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# ***Illinois Register***

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## **Rules of Governmental Agencies**

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# NOTICE OF MOVE OF OFFICES

Please note that, effective January 25, 1994, the Administrative Code Division of the Secretary of State's Index Department has moved to the Index Department Building at 111 East Monroe Street, Springfield, Illinois, 62756. (Telephone 217-782-7017)

ILLINOIS REGISTER

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Licensing Standards for Day Care Homes

2) Code Citation: 89 Ill. Adm. Code 406

3) Section Number: Proposed Action:

406.8 Amend  
406.9 Amend  
406.13 Amend

4) Statutory Authority: Implementing the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1] and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217) [225 ILCS 10/7].

5) A Complete Description of the Subjects and Issues Involved:

The proposed amendments require that day care homes have basic safety equipment such as an operable flashlight, and ladders, slides, or other devices necessary to exit safely from any area where child care is provided above or below grade level, as defined in Section 406.2. All such equipment must be maintained in good working order.

The proposed amendments prohibit the use of portable space heaters in a day care home during the hours that day care is provided. The proposed amendments also require home day care providers to furnish a written statement from a heating and ventilating contractor which verifies that the furnace is in good operating order. The amendments propose to remove the requirement for a fire inspection when more than eight children are receiving care in a day care home.

The Facilities Requiring Smoke Detectors Act requires that smoke detectors be placed in certain specific locations in every home. Local jurisdictions may enact more restrictive regulations regarding the location and number of smoke detectors. The proposed amendments more closely follow the language of the Facilities Requiring Smoke Detectors Act and recognize the authority of local jurisdictions to establish stricter local requirements for the use of smoke detectors.

The proposed amendments clarify that where the basement area is used for child care, the primary basement exit is defined in Section 406.2 of this Part. If no basement exit qualifies as a primary basement exit, the rules currently allow either the local fire inspector or the Office of the State Fire Marshal to certify that the basement area is safe for the number and ages

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

of children who will receive day care services in the basement. The Department is clarifying, via these proposed amendments that any such certification must be in writing.

Public Act 88-95, enacted July 20, 1993, amended the Child Care Act of 1969 to curtail the smoking of tobacco in day care facilities, as of January 1, 1994. This Act requires that in a day care home, no person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present. The Department is proposing amendments to implement Public Act 88-95 which will prohibit smoking tobacco in day care homes and while transporting day care children.

These proposed amendments require that caregivers be certified in the Heimlich maneuver and infant-child CPR through training which meets the standards of the American Heart Association or the American Red Cross. Applicants for licensure as a day care home would be required to receive their certification within six months of licensure. Currently licensed day care homes have six months from the effective date of these amendments to obtain their certification in the Heimlich maneuver and infant-child CPR.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date: No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? Yes.

## Section Number

406.12 Illinois Register Citation  
406.13 17 Ill. Reg. 11964, July 30, 1993  
406.14 17 Ill. Reg. 11964, July 30, 1993

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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submitted to:

Jacqueline Nottingham, Chief  
Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe Street  
Springfield, Illinois 62701-1498  
Phone: (217) 524-1983  
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments in the following areas:

March 21, 1994  
Quality Inn  
One South Halsted  
Chicago, Illinois  
(312) 829-5000

March 24, 1994  
Holiday Inn  
Highway 57 and Route 13  
Marion, Illinois  
(618) 997-2326

March 28, 1994  
State House  
Room 212  
Springfield, Illinois  
(217) 782-2099

March 29, 1994  
Days Inn  
200 Maine Street  
Quincy, Illinois  
(217) 223-6610

March 30, 1994  
Illini Room  
1505 N. Neal Street  
Champaign, Illinois  
(217) 359-1601

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March 31, 1994  
Sweden House  
4605 East State Street  
Rockford, Illinois  
(815) 398-4130

All public hearings begin at 7:00 p.m. and will adjourn no later than 9:00 p.m. unless persons are still waiting to testify. Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

## 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Types of small businesses affected: Day care homes
- C) Reporting, bookkeeping, or other procedures required for compliance:

The basic safety requirements which have been added via these amendments will have minimal impact on day care homes. It is anticipated that most day care homes will already have operating flashlights, periodic inspections of their furnace, and the equipment needed to evacuate children safely in the event of a fire or other emergency.

If the home caregiver, an employee, or any other person in the day care home smokes tobacco during the time children are receiving day care services, the owner/operator will need to establish an area where persons may smoke tobacco away from the presence of children who are receiving day care.

- D) Types of professional skills required for compliance: Caregivers must be certified in the Heimlich maneuver and infant-child CPR within six months of the effective date of these amendments.

The full text of the proposed amendments begins on the next page.



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TITLE 89: SOCIAL SERVICES  
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
 SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406  
 LICENSING STANDARDS FOR DAY CARE HOMES

Section	Purpose
406.1	Definitions
406.2	Effective Date of Standards
406.3	Application for License
406.4	Provisions Pertaining to the License
406.5	Provisions Pertaining to Permits
406.6	General Requirements for Day Care Homes
406.7	Characteristics and Qualifications of the Day Care Family
406.8	Qualifications for Assistants
406.9	Substitutes
406.10	Admission and Discharge Procedures
406.11	Number and Ages of Children Served
406.12	Health and Medical Care
406.13	Discipline of Children
406.14	Activity Requirements
406.15	Nutrition and Meals
406.16	Transportation of Children By Day Care Home
406.17	Swimming
406.18	Children with Special Needs
406.19	School Age Children
406.20	Children Under 30 Months of Age
406.21	Night Care
406.22	Records and Reports
406.23	Confidentiality of Records and Information
406.24	Cooperation with the Department
406.25	Severability of This Part
406.26	Meal Pattern Chart for Children 0 to 12 Months of Age
406.27	Meal Pattern Chart for Children Over One Year of Age
APPENDIX A	
APPENDIX B	

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1], Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/3], and Sections 821 and 822 of the Facilities Requiring Smoke Detectors Act (Ill. Rev. Stat. 1991, ch. 127 1/2, pars. 821 and 822) [425 ILCS 10/1 and 10/2].

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SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 406.8 General Requirements for Day Care Homes

a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.

1) The home shall have a first aid kit consisting of band-aids, sterile gauze pads, adhesive tape, tweezers and mild soap.

2) The kitchen shall be equipped with a an operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.

3) Electrical outlets that are within reach of children shall have protective coverings. There shall be no exposed or uninsulated wiring.

4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied ~~attics and basements~~. A smoke detector in operating condition shall be within fifteen (15) feet of rooms where child(ren) nap or sleep. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling. In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story. Further, in any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detector(s) shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. (Section 2 of the Facilities Requiring Smoke Detectors Act (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 822.) [425 ILCS 10/2]) For purposes of this rule, "substantial remodeling" represents more than 15% of the replacement cost of the day care home. Compliance with any applicable federal.



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State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.

- 5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that day care is provided.
- 6) Facilities in which a wood-burning stove or fireplace has been installed or in which a portable space heater is being utilized, shall furnish a written statement from a building inspector, heating and ventilating contractor, local fire inspector or the Office of the State Fire Marshal, certifying its safety. In addition, the supervising agency shall require such a certification of safety for any heating installation, appliance or device it has reason to believe to be unsafe. In any instance, day care home providers shall furnish a written statement from a heating and ventilating contractor which verifies that the furnace is in good operating order.
- 7) Where the basement area may be used for child care, two exits shall be provided, at least one of which shall qualify as a primary basement exit as defined in Section 406.2. If no basement exit qualifies as a primary basement exit, the applicant/licensee may ask the local fire inspector or the Office of the State Fire Marshal to inspect the basement, the exits, and any fire suppression or fire alarm devices. If the local inspector or State Fire Marshal certifies in writing that the basement is safe for the number and ages of children who will receive day care services in the basement area, the basement shall be approved as an area suitable for day care services, provided all other requirements have been met.
- 8) All walls and surfaces shall be free from chipped or peeling paint.
- 9) Walls of rooms that children use shall be maintained free of lead paint.

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- 10) Furniture and equipment shall be kept in safe repair.
- 11) First-aid supplies, medication, cleaning materials, poisons, and other hazardous materials shall be stored in places inaccessible to children.
- 12) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 13) Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.
- 14) Any firearm, other than a handgun in the possession of a peace officer or other person as provided above, shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearm(s) shall be kept in locked storage separate from that of the disassembled firearm(s), inaccessible to children.
- 15) The operator of the home shall notify the parent(s) or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parent(s) or guardian that such firearms and ammunition are locked in storage inaccessible to children. (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.
- 16) There shall be plans for immediate evacuation in case of emergency. If day care services are provided above or below grade level, as defined in Section 406.2, the evacuation plan shall identify the exits from each area used for child care and shall specify whether stairs, ladders, slides or other means are used for the children to safely reach the ground. Any such equipment shall be maintained in good working order. Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado. Records shall be maintained of the dates and times required drills are conducted.



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- 17) Exit doors shall be kept clear of equipment and debris at all times.
- 18) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- 19) There shall be an operable telephone available on the premises of the licensee.
- 20) All in-ground or above-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 3 1/2 feet in height and secured by a locked gate.
- 21) Portable wading pools shall be emptied daily and cleaned with a germicidal solution before being air-dried.
- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and shall be reasonably safe from hazards.
- c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be cleaned daily with a germicidal solution unless plastic liners are used and disposed of daily.
- d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for infants.
- e) Hot and cold running water shall be provided.
- f) Insect and rodent control shall be maintained.
- 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
- 2) Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present.

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- g) Healthy household pets which present no danger to children are permitted.
- 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
- 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
- 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
- 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
- h) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
- 2) The dwelling shall be kept clean, sanitary, and in good repair.
- 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
- 4) When used for child care, basement floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
- i) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the license capacity of the home exceeds eight children, there shall be:
  - 1) A minimum of 35 square feet of floor space per each child in care, and
  - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of



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only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after nap time.

- i) No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving day care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided.

- k) There shall be safe outdoor space for active play.

- 1) Space shall be provided for play in yards, nearby parks or playgrounds.

- 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, traffic, and construction.

- 3) Play areas shall be well drained and safely maintained.

- 4) If public parks or playgrounds are used for play, the children shall be closely supervised by the caregiver during play and while traveling to and from the area.

- 5) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9 below.

- j) Operation of other business on the premises must not interfere with the care of children.

- m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care which adversely affects the ability of the caregiver to supervise children.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 406.9 Characteristics and Qualifications of the Day Care Family

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- a) No individual may receive a license from the Department when the applicant, an adult member of the household, or any individual who comes in regular or frequent contact with the children cared for in a day care home, or any employee of the day care home, has been determined to be a perpetrator of child abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/3] and who has been identified through circuit court (juvenile, criminal, civil) proceeding as having been a perpetrator of child abuse or neglect based on any one of the following:

- 1) Death
- 2) Brain damage or skull fracture
- 3) Subdural hematoma
- 4) Internal injuries
- 5) Wounds (gunshot, knife, or puncture)
- 6) Torture
- 7) Sexually transmitted diseases
- 8) Sexual penetration
- 9) Sexual molestation
- 10) Sexual exploitation
- 11) Failure to thrive
- 12) Malnutrition
- 13) Medical neglect of disabled infant

- b) For the purposes of Section 406.9 (a) identification through circuit court proceedings includes:

- 1) specific findings by a court that a child's abuse, neglect or dependency is the result of physical abuse inflicted by a parent, guardian or legal custodian or other person responsible for the child's welfare (as defined by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2054) [325 ILCS 5/4]).
- 2) criminal convictions and civil judgments regardless of the type of sentence imposed or amount of damages recovered for offenses relating to child abuse, child neglect or child sexual abuse resulting from jury trials, bench (court) trials or voluntary guilty pleas.
- c) Prior to denying an individual a license or employment pursuant to subsection (a) the Department shall notify by certified mail the individual that he or she has been identified as a perpetrator of child



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abuse or neglect as described in subsection (a) above, and the Department shall provide the individual an opportunity to demonstrate that he or she is other than the individual identified in the court finding, criminal conviction or civil judgement.

- d) An individual requesting an opportunity for review pursuant to subsection (c) above shall submit such request, in writing, to the Department or the child care facility, as applicable, within ten (10) days of receipt of written notice of the Department's intent to deny a license or the Department's or child care facility's intent to deny employment. The individual shall be notified, in writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witnesses on his or her behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the court finding, criminal conviction or civil judgement the Department has relied upon in making the identification. Evidence to be considered shall be limited to:

- 1) Fingerprints processed through the U.S. Justice Department and the Illinois Department of State Police indicating an absence of a conviction arising from child abuse or neglect identified in subsection (a) above; or
- 2) Sworn statements from the law enforcement agency or clerk of the court upon whom the Department has relied for the identification that the subject of the report provided to the Department is not the individual seeking licensure or employment.

- e) Except as provided in subsection (a) above, a person determined to be the perpetrator of an indicated incident of abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act shall not automatically be denied a license from the Department or be denied employment in a day care home licensed by the Department. Rather, ~~the Department shall provide~~ the individual shall be given an opportunity to present evidence which demonstrates fitness for licensure or employment. Such evidence shall include, but not be limited to:

- 1) the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;

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- 2) the circumstances surrounding the commission of the abuse or neglect, including the age of the perpetrator and the child(ren), that would demonstrate an unlikelihood of repetition;
- 3) the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been indicated against the individual;
- 4) whether the abuse or neglect involved a single or multiple child victims;
- 5) the relationship of the incident of child abuse or neglect to the individual's current or prospective responsibilities within the day care home;
- 6) evidence of rehabilitation such as employment, education, participation in therapy since the indicated incident(s) of abuse or neglect; and
- 7) character references.

f) Except as stated in Section 406.9 (a) and Section 4.2 of the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2214.2) [225 ILCS 10/4.2], an individual convicted of a crime will not automatically be prohibited from contact with children cared for in a day care home solely because of the conviction. Instead, ~~the supervising agency shall consider the following~~ the individual shall be given an opportunity to present evidence which demonstrates fitness for contact with children receiving day care. Such evidence shall include, but is not limited to:

- 1) The type of crime for which the individual was convicted;
- 2) The number of crimes for which the individual was convicted;
- 3) The nature of the offense(s);
- 4) The age of the individual at the time of conviction;
- 5) The length of time that has elapsed since the last conviction;
- 6) The relationship of the crime and the capacity to care for children;



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- 7) Evidence of rehabilitation; and
- 8) Opinions of community members concerning the individual in question.
- g) Members of the household who have contact with the children in care shall treat them with respect, courtesy, and patience.
- h) The caregiver is responsible for the day-to-day operation of the day care home in accordance with the standards prescribed in this Part.
- i) The caregiver(s) in a day care home shall be at least 18 years of age.
- j) The caregivers and all members of the household shall provide medical evidence as required by Section 406.24 (h) that they are free of reportable communicable disease, and, in the case of caregivers, free of physical or mental conditions which could interfere with the child care responsibilities.
- k) The caregivers shall be certified in the Heimlich maneuver and infant-child CPR and shall maintain current certification. New license applicants are allowed six months from the date of licensure to receive their certification. The license may be issued pending receipt of such certification. Currently licensed day care homes have six months from the effective date of these amendments to obtain their certification in infant-child CPR and the Heimlich maneuver. Any such training shall meet the standards of the American Heart Association or the American Red Cross.
- l) k) Through interaction with the licensing representative, children, parent(s) or guardian of children in care and operation of the day care home in accordance with standards prescribed by this Part, caregivers shall exhibit competence in the following specific areas:
  - 1) Knowledge of basic hygiene, safety, and nutrition.
  - 2) The ability to relate comfortably with parents and to communicate with them on differences in caregiving methods, values, and goals.
  - 3) The ability to communicate with children.
  - 4) The ability to set realistic controls for children and to enforce these without harshness or physical abuse.

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- 5) Knowledge of the child's need to explore and manipulate and the willingness to provide and maintain a home where children can enjoy living and learning.
- m) k) The caregiver(s) may not be employed outside the home during the hours that child care is being provided.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 406.13 Number and Ages of Children Served

- a) The maximum number of children cared for in a day care home shall be 12 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- b) A caregiver alone may care for:
  - 1) A mixed age group consisting of:
    - A) Up to eight children under the age of 12, of which
    - B) Up to five children may be under the age of five, of which
    - C) Up to three children may be under 24 months of age.
  - 2) A pre-school group consisting of:
    - A) Up to eight children under the age of 12, of which
    - B) Up to six children may be under the age of five, of which
    - C) No child may be under age three.
  - 3) A school age group consisting of eight school age children, as defined in Section 406.2.
- c) In addition to the children who may receive day care in accordance with subsection (b) above, a day care home may accept four additional children who are attending school full-time if a before and/or after school assistant is employed ~~and a fire clearance is obtained~~. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present.



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d) A caregiver and an assistant may care for a total of eight children under five years of age of which up to five children may be under 24 months of age. Four additional children who are attending school full-time may be accepted for care only if the assistant is age 18 or over ~~and a fire clearance is obtained~~. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer.

e) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.

f) When the acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan which will be submitted to the licensing representative for review and approval. The plan may be approved when:

- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards,
- 2) At least one of the siblings has been in care for 30 days or more, and
- 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months of the date the plan is approved.

g) Caregivers licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request in writing an increase in license capacity to the maximum of 12 children. A decision regarding the increase in capacity shall be rendered within 90 days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of Part: Licensing Standards for Group Day Care Homes

2) Code Citation: 89 Ill. Adm. Code 408

3) Section Number: Proposed Action:

408.30	Amend
408.40	Amend
408.45	Amend
408.65	Amend

4) Statutory Authority: Implementing the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1] and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217) [225 ILCS 10/7].

5) A Complete Description of the Subjects and Issues Involved:

The proposed amendments require that group day care homes have basic safety equipment such as an operable flashlight, ladders, slides, or other devices necessary to exit safely from any area where child care is provided above or below grade level, as defined in Section 408.5. All such equipment must be maintained in good working order.

The proposed amendments prohibit the use of portable space heaters in a group day care home during the hours that day care is provided. The proposed amendments also require home day care providers to furnish a written statement from a heating and ventilating contractor which verifies that the furnace is in good operating order. The amendments propose to remove the requirement for a fire inspection when more than twelve children are receiving care in a group day care home.

The Facilities Requiring Smoke Detectors Act requires that smoke detectors be placed in certain specific locations in every home. Local jurisdictions may enact more restrictive regulations regarding the location and number of smoke detectors. The proposed amendments more closely follow the language of the Facilities Requiring Smoke Detectors Act and recognize the authority of local jurisdictions to establish stricter local requirements for the use of smoke detectors.

The proposed amendments clarify that where the basement area is used for child care, the primary basement exit is defined in Section 408.5 of this



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Part. If no basement exit qualifies as a primary basement exit, the rules currently allow either the local fire inspector or the Office of the State Fire Marshal to certify that the basement area is safe for the number and ages of children who will receive day care services in the basement. The Department is clarifying, via these proposed amendments, that any such certification must be in writing.

Public Act 88-95, enacted July 20, 1993, amended the Child Care Act of 1969 to curtail the smoking of tobacco in day care facilities, as of January 1, 1994. This Act requires that in a group day care home, no person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present. The Department is proposing amendments to implement Public Act 88-95 to prohibit smoking tobacco in the group day care home and while transporting day care children.

These proposed amendments require that caregivers be certified in the Heimlich maneuver and infant-child CPR through training which meets the standards of the American Heart Association or the American Red Cross. Applicants for licensure as a group day care home would be expected to receive their certification within six months of licensure. Currently licensed homes have six months from the effective date of these amendments to obtain their certification in the Heimlich maneuver and infant-child CPR.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date: No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? Yes.

Section Number	Illinois Register Citation
408.60	17 Ill. Reg. 11976, July 30, 1993
408.65	17 Ill. Reg. 11976, July 30, 1993
408.70	17 Ill. Reg. 11976, July 30, 1993

- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief  
Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe Street  
Springfield, Illinois 62701-1498

Phone: (217) 524-1983  
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments in the following areas:

March 21, 1994 Quality Inn One South Halsted Chicago, Illinois (312) 829-5000	March 24, 1994 Holiday Inn Highway 57 and Route 13 Marion, Illinois (618) 997-2326
	March 28, 1994 State House Room 212 Springfield, Illinois (217) 782-2099
	March 29, 1994 Days Inn 200 Maine Street Quincy, Illinois (217) 223-6610
	March 30, 1994 Illini Room



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1505 N. Neal Street  
Champaign, Illinois  
(217) 359-1601

March 31, 1994  
Sweden House  
4605 East State Street  
Rockford, Illinois  
(815) 398-4130

All public hearings begin at 7:00 p.m. and will adjourn no later than 9:00 p.m. unless persons are still waiting to testify. Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of small businesses affected: Group day care homes

C) Reporting, bookkeeping, or other procedures required for compliance:

The basic safety requirements which have been added via these amendments will have minimal impact on most group day care homes. It is anticipated that most group day care homes already will have operating flashlights, periodic inspections of their furnace, and the equipment needed to evacuate children safely in the event of a fire or other emergency.

If the home caregiver, an employee, or any other person in the group day care home smokes tobacco during the time children are receiving day care services, the owner/operator will need to establish an area in the group day care home where persons may smoke tobacco away from the presence of children who are receiving day care.

D) Types of professional skills required for compliance: Caregivers must be certified in the Heimlich maneuver and infant-child CPR within six months of the effective date of these amendments.

The full text of the proposed amendments begins on the next page.

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TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section	Purpose
408.1	Definitions
408.5	Effective Date of Standards
408.7	Application For License
408.10	Provisions Pertaining to the License
408.15	Provisions Pertaining to Permits
408.20	General Requirements for Group Day Care Homes
408.30	General Requirements for Group Day Care Home Family Background Checks
408.35	Caregiver(s)
408.40	Child Care Assistant(s)
408.45	Substitute(s)
408.50	Admission and Discharge Procedures
408.55	Number and Ages of Children Served
408.60	Health and Medical Care
408.65	Discipline of Children
408.70	Nutrition and Meals
408.75	Program
408.80	Transportation of Children
408.85	Swimming
408.90	Children with Special Needs
408.95	Children Under 30 Months of Age
408.100	School Age Children
408.105	Night Care
408.110	Records and Reports
408.115	Confidentiality of Records and Information
408.120	Cooperation with the Department
408.125	Severability of This Part
408.130	Meal Pattern Chart for Children 0 to 12 Months of Age
408.135	Meal Pattern Chart for Children Over One Year of Age
APPENDIX A	Minimum Equipment and Supplies - Preschool Programs
APPENDIX B	Minimum Equipment and Supplies - Infant and Toddler Programs
APPENDIX C	
APPENDIX D	



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**AUTHORITY:** Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1], Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/3], and Sections 821 and 822 of the Facilities Requiring Smoke Detectors Act (Ill. Rev. Stat. 1991, ch. 127 1/2, pars. 821 and 822) [425 ILCS 10/1 and 10/2].

**SOURCE:** Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 408.30 General Requirements for Group Day Care Homes**

a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to child(ren).

- 1) The home shall have a first aid kit consisting of band-aids, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap.
- 2) The kitchen shall be equipped with an operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
- 3) Electrical outlets that are within reach of child(ren) under five years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics, and basement. A smoke detector in operating condition shall be within fifteen (15) feet of rooms where child(ren) nap or sleep. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling. In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story. Further, in any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detector(s) shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that

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*the activation of one detector will activate all the detectors in the facility unit* (Section 2 of the Facilities Requiring Smoke Detectors Act (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 822) [425 ILCS 10/1 and 10/2]. For purposes of this rule, "substantial remodeling" represents more than fifteen percent of the replacement cost of the group day care home. Compliance with any applicable Federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.

- 5) Fixed space heaters, fireplaces, radiators, an other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that day care is provided.
- 6) A facility in which a wood-burning stove or fireplace has been installed ~~or in which a portable space heater is being utilized~~ shall furnish a written statement from a building inspector, heating and ventilating contractor, local fire inspector or the Office of the State Fire Marshal, certifying its safety. ~~In addition, the Department shall require such a certification of safety for any heating installation, appliance or device it has reason to believe to be unsafe. In any instance, group day care home providers shall furnish a written statement from a heating and ventilating contractor which verifies that the furnace is in good operating order.~~
- 7) In one and two-family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas which the Office of the State Fire Marshal or local fire inspector states, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler system render the residence safe for the care of infants and toddlers.
- 8) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.
- 9) When the basement area may be used for child care, two exits



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shall be provided, at least one of which shall qualify as a primary basement exit as defined in Section 408.5. If no basement exit qualifies as a primary basement exit, the applicant/licensee may ask the local fire inspector or the Office of the State Fire Marshal to inspect the basement, the exits, and any fire suppression or fire alarm devices. If the local inspector or State Fire Marshal certifies in writing that the basement is safe for the number and ages of children who will receive group day care services in the basement area, the basement shall be approved as an area suitable for group day care services, provided all other requirements have been met.

- 10) All walls and surfaces shall be free from chipped or peeling paint.
- 11) Walls of rooms that children use shall be maintained free of lead paint.
- 12) Furniture and equipment shall be kept in safe repair.
- 13) First-aid supplies, medication, cleaning materials, poisons, and other hazardous materials shall be stored in places inaccessible to children.
- 14) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 15) Exit doors shall be kept clear of equipment and debris at all times.
- 16) There shall be an operable telephone available on the premises of the licensee.

b) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:

- 1) A minimum of 35 square feet of floor space for each child in care, and
- 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use

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of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.

c) No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving day care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided.

d) Indoor space shall consist of a clean, comfortable environment for children.

- 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
- 2) The dwelling shall be kept clean, sanitary, and in good repair.
- 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.

4) When used for child care, basement floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.

5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate or other barrier to prevent the child(ren)'s access to the stairs without adult supervision.

e) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and shall be reasonably safe from hazards.

f) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be cleaned daily with a germicidal solution unless plastic liners are used and disposed of daily.

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- g) ~~h~~) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for infants.
- h) ~~g~~) Hot and cold running water shall be provided.
- i) ~~h~~) The group day care home shall provide one toilet for each ten (10) persons or portion thereof who are present during the hours the group day care home is in operation. These ten persons include caregiver(s), child care assistant(s), member(s) of the household and children other than those under 30 months of age for whom a potty chair is provided.
- j) ~~i~~) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (one thousand feet) of the group day care home provided the caregiver or an adult assistant accompanies child(ren) to this outdoor area.
- k) ~~j~~) There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
  - 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, traffic, and construction. Further, outdoor space shall be partitioned or supervised in such a manner that young child(ren) are not endangered by the activities of older child(ren).
  - 3) Play areas shall be well drained and safely maintained.
  - 4) In-ground or above-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 3 1/2 feet in height and secured by a locked gate.
  - 5) Portable wading pools shall be emptied daily and cleaned with a germicidal solution before being air-dried.

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- 6) If public parks or playgrounds are used for play, the child(ren) shall be closely supervised by the caregiver or adult assistant during play and while traveling to and from the area.
- 7) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 below.
- l) ~~k~~) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other resident(s) or the owner(s) of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
- m) ~~l~~) Insect and rodent control shall be maintained.
- 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
  - 2) Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present.
- n) ~~m~~) Healthy household pets which present no danger to children are permitted.
- 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the child(ren)'s health and that dogs and cats have been inoculated for rabies.
  - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to child(ren).
  - 3) There shall be careful supervision of child(ren) who are permitted to handle and care for the animals.
  - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
- o) ~~n~~) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazard(s) to the child(ren).



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cared for in the home.

- p) et There shall be plans for immediate evacuation in case of emergency. If day care services are provided above or below grade level, as defined in Section 408.5, the evacuation plan shall identify the exits from each area used for child care and shall specify whether stairs, ladders, slides or other means are used for children to safely reach the ground. Any such equipment shall be maintained in good working order. Fire drills shall be conducted monthly for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. Records shall be maintained of the dates and times required drills are conducted. The alphabetic card file required by subsection 408.120 (c) shall accompany the caregiver during the drills.

- q) pt In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.

- r) et *Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.*

- s) et *Any firearm, other than a handgun in the possession of a peace officer or other person as provided above, shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearm(s) shall be kept in locked storage separate from that of the disassembled firearm(s), inaccessible to children.*

- t) et *The operator of the group home shall notify the parent(s) or guardian of any child accepted for care that firearm(s) and ammunition are stored on the premises. The operator shall also notify the parent(s) or guardian that such firearms and ammunition are in locked storage inaccessible to children. Such notification need not disclose the location where the firearms and ammunition are stored (Section 7 of the Act).*

- u) et A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the

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operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.

- v) et Operation of other business on the premises must not interfere with the care of children.

- w) et A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care which adversely affects the ability of the caregiver to supervise child(ren).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 408.40 Background Checks

- a) No individual may receive a license from the Department when the applicant, an adult member of the household, or any individual who comes in regular and frequent contact with the children cared for in a day care home, or any employee of the day care home, has been determined to be a perpetrator of child abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/31] and who has been identified through circuit court (juvenile, criminal, civil) proceedings as having been a perpetrator of child abuse or neglect based on any one of the following:

- 1) Death
- 2) Brain damage or skull fracture
- 3) Subdural injuries
- 4) Internal injuries
- 5) Wounds (Gunshot, knife, or puncture)
- 6) Torture
- 7) Sexually transmitted diseases
- 8) Sexual penetration
- 9) Sexual molestation
- 10) Sexual exploitation
- 11) Failure to thrive
- 12) Malnutrition
- 13) Medical neglect of disabled infant

- b) For the purposes of Section 408.40 (a) identification through circuit court proceedings includes:

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1) specific findings by a court that a child's abuse, neglect or dependency is the result of abuse or neglect inflicted by a parent, guardian or legal custodian or other person responsible for the child's welfare (as defined by Section 4 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2054) (325 ILCS 5/4)).

2) criminal convictions and civil judgments regardless of the type of sentence imposed or amount of damages recovered for offenses relating to child abuse, child neglect or child sexual abuse resulting from jury trials, bench (court) trials or voluntary guilty pleas.

c) Prior to denying an individual a license or employment pursuant to subsection (a), the Department shall notify by certified mail the individual that he or she has been identified as a perpetrator of child abuse or neglect as described in subsection (a) above, and the Department shall provide the individual an opportunity to demonstrate that he or she is not the individual identified in the court finding, criminal conviction or civil judgment.

d) An individual requesting an opportunity for review pursuant to subsection (c) above shall submit such request, in writing, to the Department or the child care facility, as applicable, within ten (10) days of receipt of written notice of the Department's or child care facility's intent to deny a license or the Department's or child care facility's intent to deny employment. The individual shall be notified, in writing, of the date, time and location of the review. The individual may be represented by counsel of his or her choice, and may present evidence and/or witness(es) on his or her behalf. The individual shall be required to produce evidence that he or she is not the individual identified in the court finding, criminal conviction or civil judgment if the Department has relied upon in making the identification. Evidence to be considered shall be limited to:

1) Fingerprints processed through the U.S. Justice Department and the Illinois Department of State Police indicating an absence of a conviction arising from child abuse or neglect identified in subsection (a) above; or

2) Sworn statements from the law enforcement agency or clerk of the court upon whom the Department has relied for the identification that the subject of the report provided to the Department is not the individual seeking licensure or

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employment.

e) Except as provided in subsection (a) above, a person determined to be the perpetrator of an indicated incident of abuse or neglect under Section 3 of the Abused and Neglected Child Reporting Act shall not automatically be denied a license from the Department or be denied employment in a group day care home licensed by the Department. Rather, ~~the Department shall provide~~ the individual shall be given an opportunity to present evidence which demonstrates fitness for licensure or employment. Such evidence shall include, but not be limited to:

1) the nature of the abuse or neglect with which the individual was identified, including whether the abuse or neglect resulted in serious injury or death to a child or children;

2) the circumstances surrounding the commission of the abuse or neglect, including the age of the perpetrator and the child(ren), that would demonstrate an unlikelihood of repetition;

3) the period of time that has elapsed since the abuse or neglect occurred and whether prior incidents of child abuse or child neglect have been indicated against the individual;

4) whether the abuse or neglect involved a single or multiple child victims;

5) the relationship of the incident of child abuse or neglect to the individual's current or prospective responsibilities within the group day care home;

6) evidence of rehabilitation such as employment, education, participation in therapy since the indicated incident(s) of abuse or neglect; and

7) character references.

f) Except as stated in subsection (a) above and Section 4.2 of the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2214.2) (225 ILCS 10/4.2), an individual convicted of a crime will not automatically be prohibited from contact with child(ren) cared for in a group day care home solely because of the conviction. Instead, ~~the Department shall consider the following~~ the individual shall be given an opportunity to present evidence which demonstrates fitness for



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contact with children receiving day care. Such evidence shall include, but is not limited to:

- 1) the type of crime for which the individual was convicted;
- 2) the number of crimes for which the individual was convicted;
- 3) the nature of the offense(s);
- 4) the age of the individual at the time of conviction;
- 5) the length of time that has elapsed since the last conviction;
- 6) the relationship of the crime and the capacity to care for children;
- 7) evidence of rehabilitation; and
- 8) character references.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

**Section 408.45 Caregiver(s)**

a) The caregiver is responsible for the day-to-day operation of the group day care home in accordance with the standards prescribed in this Part.

b) The caregiver or a designated child care assistant meeting the requirements of this Section shall be at the group day care home at all times that the group day care home is in operation, except when transporting child(ren) or accompanying them on field trip(s).

c) The caregiver(s) in a group day care home shall be at least 21 years of age.

d) The caregiver(s) shall have a high school diploma or equivalency certificate.

e) In addition to meeting the requirements of Sections 408.35 and 408.40 the caregiver in a group day home shall have achieved:

- 1) One year (1560 clock hours) child development experience in a licensed day care home, nursery school, kindergarten, or

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licensed day care center plus six semester or equivalent quarter hours in courses related directly to child care and/or child development from an accredited college or university; or

- 2) One year of credit from an accredited college or university with six semester or equivalent quarter hours related directly to child care and/or child development; or
- 3) A current credential as a Child Development Associate (1982). (Assessment for credential done locally. For information contact: Council for Early Childhood Professional Recognition, 1718 Connecticut Avenue, N.W.--Suite 500, Washington, D.C. 20009.)

f) In addition to meeting the other requirements of this Section, the caregiver(s) shall complete six clock hours of continuing education per calendar year in matters related to child care/child development or compliance with the standards prescribed by this Part. Such continuing education may be derived from training offered by the Department, the Department of Public Health, the Office of the State Fire Marshal, or National, state or local organizations specializing in child care or child development. Courses to meet this requirement include, but are not limited to child care/child development, health and sanitation, nutrition, small business management, personnel supervision, child abuse and neglect, parenting skills, first aid and safety. The records of the group day care home shall document the continuing education in which the caregiver has participated, and these records shall be available for review by the Department.

g) The caregivers shall be certified in the Heimlich maneuver and infant-child CPR and shall maintain current certification. New license applicants are allowed six months from the date of licensure to receive their certification. The license may be issued pending receipt of such certification. Currently licensed day care homes have six months from the effective date of these amendments to obtain their certification in infant-child CPR and the Heimlich maneuver. Any such training shall meet the standards of the American Heart Association or the American Red Cross.

h) Through interaction with the licensing representative, children, parent(s) or guardian of children in care and operation of the group day care home in accordance with standards prescribed by this Part, caregiver(s) shall exhibit competence in the following specific areas:

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- 1) Knowledge of basic hygiene, safety, and nutrition;
- 2) The ability to relate comfortably with parent(s) and to communicate with them on differences in caregiving methods, values, and goals;
- 3) The ability to communicate with children;
- 4) The ability to set realistic controls for child(ren) and to enforce these without harshness or physical abuse;
- 5) Knowledge of the child(ren)'s need to explore and manipulate and the willingness to provide and maintain a home where child(ren) can enjoy living and learning.

i) b)

The caregiver(s) shall be responsible for the planning and supervision of the program and activities of the children; orienting child care assistant(s) and substitutes to the operation of the group day care home; on-site supervision of child care assistants; and in-service training totaling a minimum of 15 clock hours per year for the child care assistant(s). Orientation and training may be provided by the primary caregiver(s) or outside resource person(s) and shall include recognizing and reporting child abuse or neglect, licensing standards prescribed by this Part, first aid, health and sanitation, fire prevention and safety procedures, special health, developmental or nutritional needs of child(ren) cared for in the group day care home.

i) b)

The caregiver(s) may not be employed outside the home during the hours that child care is being provided. This restriction does not apply to spouses qualifying as caregivers, provided one of them is in the home during the hours that child care is being provided.

**Section 408.65 Number and Ages of Children Served**

- a) The maximum number of children cared for in a group day care home shall be 16 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- b) Twelve (12) children between 3 and 6 years of age may be cared for by a caregiver and an assistant 18 years of age or older. The assistant must be present when more than six (6) such children are present.
- c) Except as provided by subsection (b) above, the number of children to

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be served in the group day care home at any one time (license capacity) when a caregiver and assistant are present shall be determined in accordance with the following:

- 1) No more than four (4) children under 15 months of age shall be cared for in a group day care home; and
- 2) No more than six (6) children under 30 months of age shall be cared for in a group day care home of which no more than four (4) children may be under 15 months of age;
- 3) No more than twelve (12) children under six (6) years of age shall be cared for in a group day care home of which no more than six (6) children may be under 30 months of age and four (4) under 15 months of age.

d) A caregiver alone may care for:

- 1) A mixed age group consisting of:

- A) Up to eight children under twelve years of age, of which
- B) Up to five children may be under five years of age, of which
- C) No more than three children may be under 24 months of age; or

- 2) Up to eight pre-school children if no child is under age three; or
- 3) Up to twelve school age children as defined by Section 408.5.

e) In addition to the children who may receive day care in accordance with the requirements above, a group day care home may accept four additional children who are attending school full-time if a part-time before and/or after school assistant is employed and ~~a fire-clearance is obtained~~. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present.

f) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total



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number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.

- g) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan which will be submitted to the licensing representative for review and approval. The plan may be approved when:

- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards, and
- 2) At least one of the siblings has been in care for 30 days or more, and
- 3) The transition plan will bring the home back into compliance with the established age groupings within six months of the date the plan is approved.

- h) Caregivers licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request in writing an increase in licensed capacity to the maximum. A decision regarding the increase in capacity shall be rendered within ninety days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3) Section Numbers: Proposed Action:  
590.10 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (220 ILCS 20/3).
- 5) A Complete Description of the Subjects and Issues Involved: Section 3 of the Illinois Gas Pipeline Safety Act requires the Commission's rules to be as inclusive and as stringent as the Federal safety standards and compatible with the Federal safety standards. This rulemaking will update the Commission's incorporation by reference to comply with Section 3 of that Act.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? Yes.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62706

ILLINOIS COMMERCE COMMISSION  
NOTICE OF PROPOSED AMENDMENT

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed amendment may affect those small businesses and small municipalities that operate gas pipeline facilities.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Managerial

The full text of the Proposed Amendment begins on the next page:

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TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: GAS UTILITIES

PART 590  
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF GAS AND FOR GAS PIPELINE FACILITIES

Section  
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1991, ch. 111½, par. 553)[220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.23, 192, 193 and 199 as of January 1, 1993 1994, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.

- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standard Information Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunication Carriers in Filing for an Increase in Rates.

2) Code Citation: 83 Ill. Adm. Code 285

3) Section Numbers: Proposed Action:

285.2045 Amendment  
285.3005 Amendment

4) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act (200 ILCS 5/9-201 and 10-101).

5) A Complete Description of the Subjects and Issues Involved: These proposed amendments will amend Part 285 to permit an electric utility to record depreciation and decommissioning expense for utility plant on the basis of a useful life that begins when the plant's cost is first reflected in rates.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62706

## ILLINOIS COMMERCE COMMISSION

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Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments will not affect any small businesses, small municipalities, or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping

C) Types of professional skills necessary for compliance: Accounting

The full text of the Proposed Amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES  
 CHAPTER I: ILLINOIS COMMERCE COMMISSION  
 SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN  
 ONE KIND OF UTILITY

## PART 285

STANDARD INFORMATION REQUIREMENTS FOR ELECTRIC, GAS, WATER AND  
 SEWER UTILITIES AND TELECOMMUNICATIONS CARRIERS IN FILING FOR AN  
 INCREASE IN RATES

## SUBPART A: GENERAL INSTRUCTIONS

Section	Purpose
285.110	Definitions
285.115	Applicability
285.120	Minimum Requirements
285.130	Waiver of Information Requirements
285.140	Compliance
285.145	Proprietary and Confidential Information
285.150	

## SUBPART B: FILING REQUIREMENTS

Section	Submission of Written Testimony
285.200	Test Year
285.210	

## SUBPART C: GENERAL INFORMATION REQUIREMENTS

Section	Instructions
285.300	General Information Requirements Applicable for All
285.305	Utilities
285.310	General Information Requirements Applicable for
285.315	Electric Utilities
285.320	General Information Requirements Applicable for Gas
	Utilities
	General Information Requirements Applicable for
	Telecommunications Carriers

## SUBPART D: INFORMATION REQUIREMENTS TO BE AVAILABLE

Section	General Information Requirements to be Available
285.400	

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SUBPART E: GENERAL INSTRUCTIONS FOR SCHEDULES AND WORKPAPERS

Section	Schedules
285.900	Working Papers
285.910	

## SUBPART F: REVENUE AND FINANCIAL SUMMARY SCHEDULES

Section	Revenue and Financial Summary Schedules
285.1000	Schedule A-1: Comparison of Present and Proposed Rates
285.1005	Schedule A-2: Overall Financial Summary
285.1015	Schedule A-2.1: Computation of Gross Revenue Conversion
285.1016	Factor
285.1020	Schedule A-3: Comparison to Prior Rate Order

## SUBPART G: RATE BASE SCHEDULES

Section	Rate Base Instructions
285.2000	Schedule B-1: Jurisdictional Rate Base Summary
285.2005	Schedule B-1.1: Summary of Utility Adjustments to Rate
285.2010	Base
285.2011	Schedules B-1.1a, b, c, etc.: Detailed Adjustments to
	Rate Base
285.2015	Schedule B-2: Plant in Service by Major Account
285.2020	Schedule B-2.1: Gross Additions, Retirements and
	Transfers-Test Year
285.2022	Schedule B-2.2: Actual Gross Additions and Retirements
	Compared to Original Budget
285.2024	Schedule B-2.2a: Gross Additions and Retirements-
	Activity Since Last Rate Case
285.2025	Schedule B-2.3: Property Merged or Acquired from Other
	Utilities
285.2030	Schedule B-2.4: Leased Property Included in Rate Base
285.2035	Schedule B-2.5a: Property Held for Future Use Included
	in Rate Base
285.2036	Schedule B-2.5b: Analysis of Activity in Property Held
	for Future Use
285.2040	Schedule B-2.6: Property Excluded from Rate Base
285.2041	Schedule B-2.7: Gains and Losses on Sales of Property
285.2042	Schedule B-2.8: Additions to and Transfers from Customer
	Advances and Contributions in Aid of Construction
285.2045	Schedule B-3: Depreciation Reserve
285.2055	Schedule B-3.1: Depreciation Accrual Rates by Major
	Account
285.2060	Schedule B-4: Construction Work in Progress



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285.2065	Schedule B-4.1: Construction Work in Progress Percent Complete
285.2067	Schedule B-4.2: Allowance for Funds Used During Construction
285.2070	Schedule B-5: Allowance for Working Capital
285.2075	Schedule B-5.1: Materials and Supplies
285.2080	Schedule B-6: Jurisdictional Allocation Factors
285.2085	Schedule B-6.1: Jurisdictional Allocation Statistics - Rate Base
285.2095	Schedule B-7: Comparative Balance Sheet for Prior Five Years
285.2100	Schedule B-8: Accumulated Deferred Income Taxes
285.2120	Schedule B-8.1: Detailed Listing of Balance Sheet Assets and Liabilities
285.2130	Schedule B-8.2: Analysis of Investment Tax Credits
285.2140	Schedule B-8.3: Proration of Accumulated Deferred Income Taxes
285.2200	Schedule B-9: Deferred Charges
285.2300	Schedule B-10: Customer Deposits
285.2350	Schedule B-11: Budget Payment Plan Balances
285.2800	Schedules Applicable to Electric Utilities
285.2810	Schedule B-12: Fuel Inventory
285.2820	Schedule B-12.1: Contractual Coal Delivery Schedule
285.2830	Schedule B-12.2: Fossil Fuel Supply Interruptions
285.2900	Schedules Applicable to Gas Utilities
285.2910	Schedule B-13: Gas Stored Underground
285.2920	Schedule B-13.1: Underground Gas Storage Activity
285.2930	Schedule B-13.2: Adequacy of Underground Gas Storage Levels
285.2940	Schedule B-14: Propane, LNG, and SNG Facilities
285.2950	Schedule B-14.1: Propane, LNG, and SNG Feedstock Inventory Levels
	SUBPART H: OPERATING INCOME
Section	
285.3000	Operating Income Instructions
285.3005	Schedule C-1: Jurisdictional Operating Income Summary
285.3010	Schedule C-2: Detailed Jurisdictional Operating Income Statement
285.3015	Schedule C-3: Summary of Utility Proposed Adjustments to Operating Income
285.3020	Schedules C-3.1, 2, 3, etc.: Detailed Adjustments
285.3030	Schedule C-4: Summary of Jurisdictional Allocation Factors
285.3035	Schedule C-4.1: Allocation Statistics
285.3050	Schedule C-5: Comparative Operating Income Statements for the Five Prior Years and the Test Year

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285.3052	Schedule C-5.1: Variances in Non-Payroll Operations and Maintenance Expense
285.3053	Schedule C-5.2: Comparison of Budgeted Non-Payroll Expense to Actual
285.3050	Schedule C-6: Income Taxes
285.3051	Schedule C-6.1: Consolidated Federal Income Tax Return
285.3052	Schedule C-6.2: Deferred Income Taxes
285.3053	Schedule C-6.3: Differences between Book and Tax Depreciation
285.3054	Schedule C-6.4: Interest Synchronization
285.3055	Schedule C-6.5: Investment Tax and Job Development Credits
285.3060	Schedule C-7: Social and Service Club Membership Dues
285.3061	Schedule C-8: Charitable Contributions
285.3065	Schedule C-9: Demonstration and Selling, Advertising, and Miscellaneous Sales Expenses
285.3070	Schedule C-10: Civic, Political and Related Activities
285.3075	Schedule C-11: Rate Case Expense
285.3076	Schedule C-11.1: Rate Case Expense Comparisons
285.3100	Schedule C-12: Total Payroll Costs
285.3105	Schedule C-12.1: Comparison of Actual Payroll Costs in Prior Years
285.3110	Schedule C-12.2: Direct Payroll by Function
285.3115	Schedule C-12.3: Budgeted Payroll Costs
285.3120	Schedule C-12.4: Number of Employees
285.3125	Schedule C-12.5: Executive Compensation
285.3130	Schedule C-12.6: Overtime Wages
285.3135	Schedule C-12.7: Loaded Hourly Labor Rates
285.3140	Schedule C-12.8: Employee Benefits
285.3145	Schedule C-12.9: Reconciliation of Actual Overhead Costs with Allocated Costs
285.3150	Schedule C-12.10: Union and Non-Union Payroll Costs
285.3200	Schedule C-13: Summary of Affiliated Interest Transactions
285.3220	Schedule C-14: Operating Leases
285.3230	Schedule C-15: Financial Data for Each Jurisdiction of the Company
285.3240	Schedule C-16.1: Sales Statistics - Total Company Revenue
285.3241	Schedule C-16.2: Sales Statistics - Total Company Sales Volume
285.3242	Schedule C-16.3: Sales Statistics - Jurisdictional Revenue
285.3243	Schedule C-16.4: Sales Statistics - Jurisdictional Sales Volume
285.3260	Schedule C-17: Major Maintenance Projects
285.3280	Schedule C-18: Uncollectible Expense
285.3300	Schedule C-19: Insurance Expense

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285.3350	Schedule C-20: Prepaid and Accrued Taxes Other Than Income Taxes
285.3355	Schedule C-21: Property Taxes
285.3360	Schedule C-22: Local Taxes, Municipal Taxes, and Franchise Fees
285.3380	Schedule C-23: Miscellaneous General Expenses
285.3390	Schedule C-24: Miscellaneous Income Deductions
285.3395	Schedule C-25: Fines and Penalties
285.3405	Schedule C-26: Storm Damage
285.3425	Schedule C-27: Summary of Accounting Changes Since the Prior Rate Case
285.3435	Schedule C-28: Cost Savings Programs
285.3450	Schedule C-29: Miscellaneous Operating Revenues
285.3470	Schedule C-30: Lawsuits
285.3480	Schedule C-31: Add On Taxes
285.3800	Schedules Applicable to Electric Utilities
285.3805	Schedule C-32: Fuel Adjustment Clause Reconciliation
285.3810	Schedule C-33: Fuel Transportation Expense
285.3900	Schedules Applicable to Gas Utilities
285.3905	Schedule C-34: Purchased Gas Adjustment Clause Reconciliation

## SUBPART I: RATE OF RETURN SCHEDULES

Section	Rate of Return Instructions
285.4000	Terms Used in Subpart I
285.4005	Schedule D-1: Cost of Capital Summary
285.4010	Schedule D-2: Cost of Short-Term Debt
285.4015	Schedule D-3: Embedded Cost of Long-Term Debt, Including Notes
285.4020	Schedule D-4: Embedded Cost of Preferred Stock
285.4025	Schedule D-5: Common Equity Issuance Expenses
285.4030	Schedule D-6: Statement of Cash Flows
285.4035	Schedule D-7: Security Quality Ratings
285.4040	Schedule D-8: Security Issuance Restrictions
285.4045	Schedule D-9: Comparative Financial Data
285.4050	
Section	Rates and Tariffs
285.5000	Schedule E-1: Copy of Current Tariff Sheets
285.5005	Schedule E-2: Copy of Proposed Tariff Sheets
285.5010	Schedule E-3: Revised Copies of Existing Tariff Sheets
285.5015	Schedule E-4: Narrative Rationale for Tariff Changes
285.5020	Schedule E-5: Billing Units
285.5025	

## SUBPART J: RATE AND TARIFF SCHEDULES

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285.6000	Jurisdictional Revenues, Cost-of-Service Studies, Load Research, Bill Frequency Data, Jurisdictional Operating Revenue, Billing Units and Bill Comparisons
285.6100	Electric and Gas Utilities
285.6105	Schedule E-6: Jurisdictional Operating Revenue
285.6110	Embedded Cost of Service Studies
285.6112	Marginal Cost of Service Studies
285.6115	Load Research
285.6120	Schedule E-10: Bill Frequency Data
285.6125	Schedule E-11: Bill Comparisons
285.6200	Telephone Utilities
285.6205	Schedule E-6: Long-Run Service Incremental Cost Studies
285.6210	Schedule E-7: Imputation Tests
285.6215	Schedule E-8: Jurisdictional Operating Revenue
285.6220	Schedule E-9: Bill Comparisons
285.6300	Water and sewer utilities
285.6305	Schedule E-6: Jurisdictional Operating Revenue
285.6310	Schedule E-7: Embedded Cost of Service Studies
285.6320	Schedule E-8: Bill Frequency Data
285.6135	Schedule E-9: Bill Comparisons

## SUBPART K: FINANCIAL PROJECTION SCHEDULES

Section	Financial Projections
285.6000	
Section	SUBPART L: ELECTRIC OPERATING SCHEDULES
285.7000	Applicability
285.7010	Schedule G-1: Productivity Data
285.7020	Schedule G-2: Interchange Sales and Purchased Power
285.7030	Schedule G-3: Electric Utility Marginal Energy Costs
AUTHORITY:	Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1989 1991, ch. 111 2/3, pars. 9-201 and 10-101)[220 ILCS 5/9-201 and 10-101].
SOURCE:	Adopted at 5 Ill. Reg. 9029, effective August 28, 1981; amended and codified at 7 Ill. Reg. 15562, effective December 20, 1983; emergency amendment at 10 Ill. Reg. 760, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 8980, effective May 25, 1986; amended at 14 Ill. Reg. 6000, effective May 1, 1990; amended at 15 Ill. Reg. 16050, effective November 1, 1991; amended at 111. Reg. effective



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Section 285.2045 Schedule B-3 Depreciation Reserve

- a) List depreciation reserve by major property grouping, functional class or account numbers. If depreciation reserves are not kept by major property groupings but are kept in total, only the totals should be given. In the case of electric utilities, this reserve shall be adjusted as required to take account of depreciation expense computed in accordance with Section 285.3005(c) of this Part. In the case of water and/or sewer companies, only totals in Schedule B-3 are required. Telecommunications carriers see subsection (b) under Schedule B-1.

- b) Data to be covered include:

- 1) Line number;
- 2) Functional class, major property group or account number;
- 3) Total company;
- 4) Allocated percentage;
- 5) Allocated total;
- 6) Adjustment amount;
- 7) Adjusted jurisdictional amount.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

# Section 285.3005 Schedule C-1 Jurisdictional Operating Income Summary

- a) For the Test Year, provide the jurisdictional operating income statement by major category (sources of income by grouping of types of service) for the jurisdiction for which a rate increase is requested, both at the present rates and at the proposed rates.

- b) Data to be covered include:

- 1) Line number;
- 2) Description (operating revenue, operating expenses, operation & maintenance, depreciation, taxes, federal income taxes, state income taxes, total operating expenses, income available from jurisdictional operations, rate base, rate of return);
- 3) Present rates;

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- 4) Test Year proposed increase;
- 5) Test Year proposed rates;
- 6) Historical year at present and proposed rates.

c) In the case of electric utilities, the test year data for depreciation expense and the nuclear generating plant decommissioning expense component of operation and maintenance expense should be based on a useful life for utility plant that begins in each case on the date on which the cost of the item of plant is first reflected in electric service rates, provided that there is or is likely to be a period of three months or more, due to circumstances beyond the utility's control, between the in-service date of the item of plant and the date on which its cost is reflected in the utility's rates and provided that recording of depreciation or decommissioning expense before the date on which the plant's cost is reflected in rates could significantly and adversely affect the utility's earnings, as well as its short-term and long-term cost of capital. If actual financial data are available, such data shall be relevant and material evidence in determining whether the utility's financial position has been or could be adversely affected. Any recovery in a rate case of depreciation and decommissioning expense accrued between the in-service date of utility plant and the date on which the plant's cost is reflected in rates shall be limited to the net loss the utility suffers due to the failure to synchronize those dates, as required by the Illinois Supreme Court in *Business and Professional People for the Public Interest v. Illinois Commerce Commission*, 146 Ill. 2d 175 (1991).

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Real Estate Appraiser Certification
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3) Section Numbers:  
1455.30  
1455.200  
Proposed Action:  
Amendment  
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 5836.5, .10 and .17 [225 ILCS 455/36.5, .10 and .17].
- 5) A Complete Description of the Subjects and Issues Involved: The Appraisal Subcommittee of the Federal Financial Institutions Examination Council has raised from 105 to 120 the number of classroom hours of appraisal related education necessary for licensure as a Certified Residential Real Estate Appraiser. The new federal standards became effective January 1, 1994. To be in compliance with federal law, Illinois must amend its rules to add the extra 15 hours of classroom work.

Since January 1, 1993, anyone wishing to perform real estate appraisals under Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, as amended, must hold a state real estate appraiser's license or certificate. Although the Act does not preclude a person who is not certified or licensed from appraising real estate in Illinois for compensation, it is important to be in compliance so that Illinois appraisers can qualify for performing federally related transactions in this State.

Section 1455.200(d)(7) also is amended to correct an error in a reference to the expiration date of approval for continuing education courses. The correct date is March 31 of even numbered years, as is stated in Section 1455.210(b)(2).

- 6) Will these proposed amendments replace emergency amendments currently in effect?  
Yes, Section 1455.30 only.
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

## DEPARTMENT OF PROFESSIONAL REGULATION

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments and views to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0800 Fax #: 217/782-7645

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses providing real estate appraisals.

B) Reporting, bookkeeping or other procedures required for compliance:

This rulemaking increases by 15 hours the minimum education requirements for an applicant for licensure as a Certified Residential Real Estate Appraiser.

C) Types of professional skills necessary for compliance: Real Estate appraisal skills are required for licensure.

The full text of the Proposed Amendments begins on the next page:



DEPARTMENT OF PROFESSIONAL REGULATION  
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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455  
REAL ESTATE APPRAISER CERTIFICATION

SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section	Definitions
1455.10	Uniform Standards of Professional Appraisal Practice
1455.15	Education and Experience Requirements for State Licensed Real Estate Appraiser
1455.20	Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser
1455.30	Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser
1455.40	Examination
1455.50	Nonresident Licensure/Certification
1455.60	Nonresident/Temporary Practice
1455.70	

SUBPART B: EDUCATION PROVIDERS

Section	Approval of Education Providers/Courses
1455.200	Appraiser Continuing Education (CE)
1455.205	Fees - Education Providers/Courses
1455.210	

SUBPART C: GENERAL

Section	Renewals
1455.300	Granting Variances
1455.310	

AUTHORITY: Implementing Article 2 of the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5836.01 through .25; see Public Act 87-1193, effective September 24, 1992) [225 ILCS 455/36] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993;

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emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; amended at 18 Ill. Reg. \_\_\_\_, effective \_\_\_\_.

SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section 1455.30	Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser
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An applicant for certification as a Certified Residential or Certified General Real Estate Appraiser shall meet the following education and experience requirements:

- a) Education. A total of ~~405~~ 120 hours for Certified Residential Real Estate Appraiser and 165 hours for Certified General Real Estate Appraiser are required. The courses must be real estate appraisal courses recommended by the Committee and approved by the Department. For Certified Residential, a specific hour requirement is mandatory in each of 4 curricula. For Certified General, a specific hour requirement is mandatory in each of 5 curricula.

- 1) Courses approved for Certified Residential Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:

- A) Standards of Professional Appraisal Practice--15 hours (IL I).
- B) Basic Principles of Appraisal--30 hours (IL II).
- C) Valuation Procedures for Residential Property--30 hours (IL III).
- D) Elective Courses--~~30~~ 45 hours (IL E).

- i) Hours that have been approved in excess of the curriculum requirement, for courses in curricula IL I, IL II and IL III, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.

- ii) Coursework in the IL IV and IL V curricula will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.

- 2) Courses approved for Certified General Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be

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achieved as follows:

- A) Standards of Professional Practice--15 hours (IL I).
- B) Basic Principles of Appraisal--30 hours (IL II).
- C) Valuation Procedures for Nonresidential Property--30 hours (IL IV).
- D) Income Approach, Capitalization--30 hours (IL V).
- E) Elective Courses--60 hours (IL E).
  - i) Hours that have been approved in excess of the requirement, for courses in curricula IL I, IL II, IL IV and IL V, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
  - ii) Coursework in the IL III curriculum will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.

3) Courses completed prior to January 1, 1993.

- A) Courses shall be accepted by the Department, upon review and approval of the Committee prior to January 1, 1993, if they are substantially equivalent to the curricula in Section 1455.200. In determining substantial equivalence, the Committee shall compare the content of each course submitted to the topic requirements as set forth in Section 1455.200.
- B) The Director shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by the Department.
- C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) set forth in subsection (a) above even though the applicant did not participate in the classroom portion of the instruction.

- 4) All courses completed after January 1, 1993, shall be from courses and course providers licensed by the Department in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion

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of an examination.

- 5) Education credit may be earned by teaching courses approved by the Department. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.
  - A) One hour of education credit for every one hour of classroom instruction shall be awarded.
  - B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).
  - C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.

- b) Experience. Two years of appraisal experience is required for an applicant to be eligible to sit for the examination. Experience shall be earned in the following manner:

- 1) One year is defined as 1,000 hours and 12 months (2 years equal 2,000 hours and 24 months). A maximum of 1,000 hours of credit may be earned by the applicant in any calendar year; however, a minimum of 24 months of experience is required.
- 2) The 2,000 hour experience requirement may be awarded from approved experience which shall include fee appraisal, staff appraisal, mass appraisal, ad valorem tax appraisal, mass ad valorem appraisal, review appraisal or appraisal analysis, highest and best use analysis, feasibility analysis or study, real estate sales and brokerage, real estate counseling, real property management, teaching of Department approved appraisal courses and authorship pertaining to real estate appraisal or related subjects.
- 3) For Certified Residential, a minimum of 50% of the requirement must be experience relating to residential property. For Certified General, a minimum of 50% of the requirement must be experience relating to nonresidential property. Hours shall be awarded for various types of appraisal and other experience as follows:



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- A) 20 hours for apartment property with 5-24 units.
- B) 40 hours for apartment property with more than 24 units.
- C) 20 hours for vacant land zoned for business, commercial, industrial; planned unit development, multiple family, single family which will accommodate more than one unit; and agriculture.
- D) 20 hours for industrial property with buildings up to and including 25,000 square feet.
- E) 40 hours for industrial property with buildings over 25,000 square feet.
- F) 20 hours for office space up to and including 10,000 square feet.
- G) 40 hours for office space over 10,000 square feet.
- H) 20 hours for retail space up to and including 10,000 square feet.
- I) 40 hours for retail space over 10,000 square feet.
- J) 40 hours for specialized or special use property appraisals.
- K) 40 hours for operating or specialized agriculture property.
- L) 10 hours for single family residential property.
- M) 15 hours for 2, 3 and 4 unit residential property.
- N) 5 hours for vacant residential land.
- O) Additional hours may be credited for appraisals. Experience hours listed in A through N are considered typical. If an applicant feels more hours should be awarded for an appraisal, he/she must list the hours requested and attach a written justification to the appraisal log. The Department will consider the additional hours based upon the applicant justification statement and may request a photocopy of the appraisal(s) spent in the decision. Experience credit will be awarded on time spent in the development of the appraisal and preparation of the report. Travel time will not be considered.
- P) Teaching Experience. Credit for teaching of Department approved

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appraisal courses shall not exceed 400 hours.

- i) To obtain credit for teaching experience, the applicant shall provide verification from the education provider of the time period of such employment and the course name;
  - ii) Two hours of experience credit for every hour in the classroom shall be awarded (up to 400 hours) upon approval of the experience by the Committee.
  - iii) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).
  - iv) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
  - v) An applicant may not earn both education and experience credit for teaching the same course.
- Q) Authorship. Credit for authorship of appraisal or appraisal related material shall not exceed 200 hours. The applicant shall submit to the Department at the time of application, a copy of the article, textbook or other published material and a statement indicating the amount of time spent in preparing these materials. The Department will evaluate the material and may award experience credit based upon its judgment as to the contribution of skill or knowledge to the applicant or appraisal industry.
- R) Real Estate Sales and Brokerage experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- S) Real Estate Counseling experience shall be accepted if it meets USPAP Standards 4 and 5. The experience will be awarded in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- T) Real Property Management experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in

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accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).

- U) Experience for mass appraisal, ad valorem tax appraisal and mass ad valorem appraisal shall be documented by the applicant's affidavit detailing the experience credit being requested; shall be certified by the assessment official in accordance with Section 36.11(b), Article 2, of the Act; and reported to the Department in accordance with Section 1455.40(a)(2)(B).

- 4) Field and review appraisals conducted prior to January 1, 1992, shall:

- A) Identify and describe the real estate being appraised;
- B) Contain an indication of highest and best use (analysis);
- C) Identify the real property interests being appraised;
- D) Contain a definition of the value being estimated;
- E) Set forth the effective date of the value estimate and the date of the appraisal report;
- F) Set forth all assumptions and limiting conditions that affect the analyses, opinions and conclusions;
- G) Set forth (in the report or file memorandum) the appraisal procedures followed and the reasoning that supports the analysis, opinions and conclusions;
- H) Include the signature of the individual responsible for the analysis, opinions and conclusions contained in the report. The applicant seeking experience credit shall have signed the report or shall be listed in the report as an individual who provided a significant contribution. An affidavit of significant contribution shall be considered by the Department if it is signed by the appraiser who signed the report or by an official of the organization, government, firm or other entity who was responsible for causing the appraisal to be prepared.

- 5) Mass appraisal projects completed prior to January 1, 1992, shall have been performed by application of mass appraisal methods and techniques deemed professionally appropriate at the time the project was undertaken. In

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evaluating the mass appraisal experience, the Department will consider methods and techniques employed relative to Standard 6 of USPAP and the participation in the mass appraisal project by the applicant.

- 6) Appraisals of all types prepared after January 1, 1992, must conform to the standards set forth in USPAP that were in effect on the date the appraisal was signed.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

SUBPART B: EDUCATION PROVIDERS

Section 1455.200 Approval of Education Providers/Courses

- a) An entity seeking approval as an appraisal education provider shall submit an application, on forms provided by the Department, and shall meet the following minimum criteria:

- 1) The provider shall:

- A) Maintain a fixed office that is adequate for the maintenance of all records, office equipment, files, telephone equipment and office space necessary for customer service;
- B) Offer a minimum of one curriculum that conforms to the standards of subsections (c) and (d) of this Section;
- C) Administer a mandatory final examination for each pre-license course offering;
- D) Provide each student within 21 days of completion of each course (or within 21 days of a request by a student or the Department), a certification of completion, transcript or other document verifying hours of attendance, successful course completion and identifying the course by name and number, if any. In addition, such certificate, transcript or other document shall indicate the provider's address and telephone number, the location and date of the course, and include an authorized signature of the course provider's representative. Documentation for CE courses may be in the form of a Uniform Request for Continuing Education, which is a form supplied by national appraisal organizations;
- E) Submit the fee(s) set forth in Section 1455.210;



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- F) Comply with all applicable fire, building, zoning, health, safety and accessibility codes and standards pertaining to the premises, equipment and facilities of the course site;
- G) Provide the student with information which specifies the course of study to be offered; the tuition to be charged; the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship; any additional fee to be charged for supplies, materials or books which become the property of the student upon payment; and such other matters as are material to the relationship between the school and the student (e.g., cost of retaking a course, current status of licensure, any disciplinary action taken by the Department, attendance requirements);
- H) Maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the school for a period of at least 7 years and shall be available for inspection by the student or by the Department or its designee during regular business hours; and
- I) Employ competent instructors.
- i) Beginning December 31, 1993, instructors for courses in the IL IV and IL V curricula shall be Certified General Real Estate Appraisers or full time faculty members of a 4-year college or university.
  - ii) Beginning December 31, 1993, instructors for courses in the IL I, IL II and IL III curricula shall be Certified Residential or Certified General Real Estate Appraisers or full time faculty members of a 4-year college or university.
  - iii) For CE courses and courses in the IL E curriculum, instructors should be Certified Residential or General Real Estate Appraisers or persons with education and/or experience in appraisal or the subject matter of the course.
- 2) Approved course providers shall not advertise as being endorsed, recommended or accredited by the Department. Course providers may indicate that the provider and course of study have been approved by the Department.

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- 3) Colleges and Universities
- A) Colleges and universities which apply as appraisal education providers under subsection (a)(1) above shall be accredited by the regional accrediting body and offer either or both an associate's and baccalaureate degree program.
  - B) Colleges and universities will not be required to pay the application fees required by Section 1455.210.
- b) Appraisal Education Sub-Providers
- 1) Sub-organizations (such as chapters, branch schools and local associations) may seek CE course approval (licensure) under the appraisal education provider's license of the parent organization. Such sub-providers may not seek approval for pre-license appraisal courses. Sub-providers may offer pre-license courses as a co-sponsor with the parent provider.
  - 2) Sub-organizations need not apply to the Department to become an approved CE course provider but may seek course approval under the providership of the parent organization.
    - A) A sub-provider need not comply with (A), (C), (D) or (H) of subsection (a)(1) of this Section.
    - B) The license of the parent organization may not be jeopardized or disciplined as a result of the actions of the sub-provider.
  - 3) The appraisal education sub-provider, on each application for CE course approval, must certify:
    - A) The sub-organization has reviewed the CE course and approves the course content;
    - B) The sub-organization is an authorized affiliate of the parent organization;
    - C) The parent organization has given the sub-organization permission to seek course approval (licensure) under the umbrella of the parent organization's provider's license; or, that the parent organization will recognize the course for CE credit within its own CE program.

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- 4) Each CE course sub-provider shall issue to each registered student a certificate of attendance that shall indicate the student's name, social security number or appraiser license/certification number, the date(s) and location of the course, the signature of an authorized representative of the sub-provider and a statement that the student did or did not attend a minimum of 90% of the course. A certificate of attendance may be in the form of a course attendance diploma, a certification letter, an official transcript or a "Uniform Request for Continuing Education Credit".
- 5) Within twenty-one (21) days of completion of each CE course presentation, the sub-provider shall certify to the Department, Office of the Appraisal Administrator, a roster of all duly registered students. The certification shall be on forms provided by the Department and shall include:
- The CE course license number;
  - The license number of the parent provider;
  - The date(s) and location of the CE presentation;
  - The name of the instructor(s);
  - A listing of students by full name, appraiser license/certification number (or social security number) and an indication that the student did or did not attend a minimum of 90% of the course (the names shall be listed in alphabetical order); and
  - The authorized signature of a representative of the sub-organization.

c) Required Pre-License/Certification Course Curriculum

- 1) Standards of Professional Appraisal Practice--15 hours (IL I). This course curriculum reviews USPAP adopted by the Appraisal Subcommittee. Topics are:

- Ethics Provision - USPAP
- Competency Provision - USPAP
- Departure Provision - USPAP
- Standard 1 - USPAP
- Standard 2 - USPAP
- Standard 3 - USPAP

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- Standard 4 - USPAP
  - Standard 5 - USPAP
  - Standard 6 - USPAP
- 2) Basic Principles of Appraisal--30 hours (IL II). This course curriculum shall include an overview of the appraisal process covering the principles of market and valuation analysis necessary for appraising real property and an introduction to appraisal theory, concepts, techniques and the level of competence required to perform professional appraisal analyses. Topics are:
- Influences on Real Estate
  - Real Estate/Real Property/Personal Property
  - Real Estate Ownership
  - Legal Descriptions
  - Types of Value
  - Economic Principles
  - Real Estate Markets and Market Analysis
  - Money and Capital Markets
  - Real Estate Financing
  - Valuation Process
  - Neighborhood Data and Analysis
  - Site Data and Analysis
  - Improvement Data and Analysis
  - Basic Construction and Design
  - Highest and Best Use Analysis
  - Sources of Valuation Data
  - Accumulation of Valuation Data
  - Overview of the Three Approaches to Value
  - Reconciliation and Final Value Estimate
  - Overview of the Appraisal Report
- 3) Residential Valuation Procedures/Single Family Appraisal--30 hours (IL III). This course curriculum shall be designed to provide an understanding and working knowledge of the procedures and techniques required to estimate the market value of residential properties. Emphasis should be placed on the extraction of data and the correct application of the three approaches to real estate valuation. Topics are:
- Basic Statistics
  - Residential Site Valuation - Sales Comparison
  - Residential Site Valuation - Allocation
  - Residential Site Valuation - Extraction



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- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Capitalization Approach - Gross Rent Estimates
- R) Income Capitalization Approach - Gross Rent Multiplier
- S) Income Capitalization Approach - Application
- T) Residential Appraisal Reports

4) Valuation Procedures, Nonresidential Properties--30 hours (IL IV). This course curriculum focuses on the appraisal of nonresidential properties and provides a practical solution for estimating value by an in-depth study of appraisal theory and the development of advanced valuation skills. Topics are:

- A) Basic Statistics
- B) Site Valuation - Sales Comparison
- C) Site Valuation - Allocation/Extraction
- D) Site Valuation - Subdivision Analysis/Other Methods
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Approach - Income Estimates
- R) Income Approach - Expense Estimates
- S) Income Approach - Capitalization Rates

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- T) Income Approach - Direct Capitalization
- U) Income Approach - Income Multipliers
- V) Income Approach - Application
- W) Appraisal Reports

5) Income Capitalization--30 hours (IL V). Courses in this curriculum are to provide alternative methods of estimating present value based on income forecasts. These courses focus on more advanced capitalization methods and techniques. Topics include:

- A) Six Functions of \$1
- B) Gross Income Estimates
- C) Vacancy and Collection Loss
- D) Operating Expense Estimates
- E) Reserves for Replacement
- F) Operating Statement Ratios and Multipliers
- G) Debt Service/Equity Dividend
- H) Direct Capitalization
- I) Overall Rate Development - Market Extraction
- J) Overall Rate Development - Band of Investment
- K) Overall Rate Development - Ratios/Multipliers
- L) Overall Rate Development - Residual Techniques
- M) Equity Dividend Rate
- N) Debt Coverage Ratio
- O) Cash Flow Estimates
- P) Reversion Estimates
- Q) Discount and Yield Rates
- R) Yield Capitalization Overview
- S) Discounted Cash Flow Analysis Overview
- T) Lease Provisions, Analysis and Valuation
- U) Lease Analysis
- V) Partial Interest Valuation

6) Courses in the IL E curriculum (electives) are courses with topics that are considered more advanced; and/or cover appraisal topics not covered in the core course curricula. Credit for elective hours can be achieved by successful completion of courses approved in the IL E curriculum or by successful completion of courses with excess hours approved and allocated for elective credit in accordance with subsection (9) of this Section.

7) Each pre-license/certification course shall be a minimum of 15 credit hours.

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- 8) All pre-license/certification courses shall include a final examination.
  - A) Each final exam for curricula IL II, IL III, IL IV, IL V and IL E (elective) courses shall consist of a minimum of 50 questions; however, courses approved for 15 hours credit may have a final examination with 25 questions.
  - B) The final exam for IL I courses shall consist of a minimum of 25 questions.
  - C) The applicant shall pass the examination in order to obtain credit for a course. A passing score shall be a minimum of 70% of examination questions answered correctly.
- 9) If 80% of the required topics for IL II through IL V courses are presented, the course shall be approved for the minimum required hours. Two 15 hour courses from a single provider may be approved to meet a 30 hour curriculum requirement, provided the courses together cover a minimum of 80% of the required curriculum topics. An application for one 15 hour course in a curriculum requiring 30 hours will be denied. For courses in the IL I curriculum 100% of the listed topics must be covered. IL E courses will be approved based upon the Committee's review of the course as to the value of topics to be presented and their relationship to the appraisal process.
  - A) Classroom hours in excess of the curriculum requirement may be approved for elective credit. Such approval is limited to 9 excess hours for courses in a 30 hour curriculum requirement and 5 excess hours for courses in a 15 hour curriculum requirement;
  - B) Excess hours may be approved, within the above limits based upon the Committee's evaluation of the appraisal educational value of the excess hours.
- 10) All changes in course content shall be submitted to the Department for review and evaluation.
- 11) The license for all pre-license/certification courses shall expire 36 months from the date of issue. An approved provider may renew the course approval by filing a new application in accordance with the provisions of this Section. The new application should be filed 60 days prior to the expiration of the license.

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- d) CE Course Requirement
  - 1) Courses licensed by the Department for pre-license/certification appraiser education are approved for CE credit. The renewal applicant will be awarded credit for attendance at these courses provided the license for the course was valid and in good standing at the time of attendance; and provided the course is not repetitious as indicated by Section 1455.205. CE credit for pre-licensure certification education will be awarded as 15 hours for 15 hour courses and 20 hours for 30 (or more) hour courses.
  - 2) CE courses shall be approved by the Appraisal Administrator, upon the recommendation of the Committee, for courses with or without a final examination.
  - 3) The application for each course approval shall include a description of the course, a course (or instructor's) outline that shall list the time frame for topic presentation, the number of classroom instruction hours excluding examination, the time allotted for examination (if any), the specific course name as it will appear on transcripts or course certifications, a sample of the certificate, the transcript or other documentation that will be used to document the student's attendance and any other information that may be required by the Department.
    - A) An applicant may be required to submit texts and all other course materials for evaluation by the Appraisal Committee.
    - B) The application for CE courses being offered by a sub-provider shall also include a certification in accordance with subsection (b)(3) of this Section.
  - 4) The Committee/Administrator shall approve courses that would contribute to the integrity, extension and enhancement of professional skills and knowledge in the practice of Real Estate Appraisal. Courses submitted for approval should be designed to cover at least one of the following topics:
    - A) Ad Valorem Taxation
    - B) Arbitration
    - C) Business Courses (related to practice of real estate appraisal)
    - D) Construction Cost Estimating
    - E) Ethics and Standards of Professional Practice
    - F) Illinois Appraiser Licensing Laws and/or Rules
    - G) Land Use, Planning, and Zoning



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- H) Property Development
- I) Real Estate Appraisal (valuation/evaluation)
- J) Real Estate Management, Leasing, Brokerage, Timeshare
- K) Real Estate Law
- L) Real Estate Litigation
- M) Real Estate Finance or Investment
- N) Appraisal Computer Applications
- O) Real Estate Securities and Syndications
- P) Real Property Exchange
- Q) Other topics deemed appropriate by the Committee/Administrator.

5) The Committee/Administrator shall not approve;

- A) Motivation courses or seminars
- B) Courses that focus instruction to increase appraiser income
- C) Courses or seminars that focus on the recruitment of employees or clients
- D) Courses or seminars with instructional material relative to associations
- E) Courses or seminars with instructional material relative to passing the State's appraiser examination
- F) Having less than three classroom hours of instruction exclusive of examination (if any)
- G) A course for more than 20 hours CE credit.

6) Subsequent to approval of any CE course, revisions in course content and/or course material shall be submitted for re-evaluation and re-approval. Failure to report course changes may result in revocation of the CE course license. The fee for re-approval shall be in accordance with Section 1455.210.

7) Approval (license) for CE courses shall expire on ~~December 31~~ March 31 of even numbered years. The provider or sub-provider may renew the approval (license) by filing a new application in accordance with the provisions of this Section.

e) Audits and Inspections. The Department may conduct on site inspections of the course provider's (or sub-provider's) place of business and may audit any session

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of any course approved for pre-license or CE credit.

- 1) At the request of the Appraisal Administrator, a course provider shall provide a list of all courses that the provider is planning to offer within a 6 month period subsequent to the request. The list shall include the name and license number of each course, as well as the date, time and location of each presentation.
- 2) In the event of a course audit, the provider shall provide the Department representative, at no cost, any and all course materials used in the presentation of the course being audited.
- 3) The Appraisal Administrator, a member of Administrator's staff, an Appraisal committee member or other designated Department employee may inspect the business office of any course provider (or sub-provider) during normal business hours.

f) Withdrawal of Approval

- 1) The Department, upon recommendation of the Real Estate Appraisal Committee, shall withdraw, suspend or place on probation in accordance with 68 Ill. Adm. Code 1110 the approval of the real estate appraiser education provider when the quality of the program fails to continue to meet the established criteria of an approved provider as set out in this Section or upon determination that the decision to approve the program was based upon false or deceptive information.
- 2) The provider's license will terminate immediately upon the failure to renew. Course licenses will terminate upon the expiration date or immediately upon the termination of the provider's license. The provider may thereafter reapply for approval as an appraiser education provider and for course approval.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Proposed Action:
- |                        |           |
|------------------------|-----------|
| 112.70, 112.71, 112.72 | Amendment |
| 112.74, 112.76, 112.77 | Amendment |
| 112.78, 112.79, 112.80 | Amendment |
| 112.81, 112.82, 112.83 | Amendment |
| 112.84, 112.85, 112.98 | Amendment |
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13) [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The changes provided by these proposed amendments include the:
- Change of references from "Project Chance" to "JOBS" and correction of typographical errors.
  - Addition of language that the Department may contract for program services and specifically mentions Opportunities.
  - Addition of the provision of child care services for non-JOBS individuals.
  - Deletion of references to the priority order in which volunteers are served, the order in which mandated clients are called in, the target group of AFDC applicants who received AFDC in 36 of the last 60 months and the use of the Bachelor Degree program application form since these references are no longer required.
  - Addition of permitting conciliation by telephone when both parties agree.
  - Addition of a participation requirement that curriculum changes in education/training must be made with the prior approval for Project Chance.
  - Addition that a Community Work Experience work assignment is for six months in a 12 consecutive month period.
  - Deletion of the sanction reason that failure to report to a job readiness skills training session may result in sanctioning.
  - Addition of a Post Secondary Education approval criterion to require that the individual be underemployed or unemployed and in need of

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- additional education.
- Clarification that educational programs must be the least costly in supportive services.
  - Clarification that the 75% participation rate in component activities applies to not only attendance but all scheduled activities such as employer contact activities and work assignments.
  - Addition that a Unemployed Parents Work Experience assignment can be 40 hours each week for two weeks on followed by two weeks off.
  - Addition in the Community Work Experience and Unemployed Parents Work Experience components that sponsors are not to use clients to displace positions or persons who are already employed.
  - Addition that a regular employee at the Work Experience site can appeal to the U.S. Department of Labor.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation             |
|----------|-----------------|--|
| 112.130  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.131  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.141  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.142  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.143  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.144  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.145  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.147  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.155  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.252  | Amendment       | December 31, 1993 (17 Ill. Reg. 22247) |
| 112.253  | Amendment       | December 31, 1993 (17 Ill. Reg. 22247) |
| 112.254  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.302  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.350  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.352  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.354  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |
| 112.356  | Amendment       | November 12, 1993 (17 Ill. Reg. 19436) |



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- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
  - 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.
  - 12) Initial Regulatory Flexibility Analysis:
    - A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
    - B) Types of small businesses affected: None
    - C) Reporting, bookkeeping or other procedures required for compliance: None
    - D) Types of professional skills necessary for compliance: None
- The full text of the Proposed Amendments begins on the next page:

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- TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS
- PART 112  
AID TO FAMILIES WITH DEPENDENT CHILDREN
- SUBPART A: GENERAL PROVISIONS
- |         |                                       |
|---------|---------------------------------------|
| Section | Description of the Assistance Program |
| 112.1   | Incorporation By Reference            |
| 112.5   |                                       |
- SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY
- |         |                                      |
|---------|--------------------------------------|
| Section |                                      |
| 112.8   | Caretaker Relative                   |
| 112.9   | Client Cooperation                   |
| 112.10  | Citizenship                          |
| 112.20  | Residence                            |
| 112.30  | Age                                  |
| 112.40  | Relationship                         |
| 112.50  | Living Arrangement                   |
| 112.52  | Social Security Numbers              |
| 112.54  | Assignment of Medical Support Rights |
| 112.60  | Lack of Parental Support or Care     |
| 112.61  | Death of a Parent                    |
| 112.62  | Incapacity of a Parent               |
| 112.63  | Continued Absence of a Parent        |
| 112.64  | Unemployment of the Parent           |
- SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING  
(JOBS) PROGRAM PROJECT-CHANCE
- Participation Requirements for For JOBS Project-Chance  
Individuals Exempt from JOBS Project-Chance  
JOBS Project-Chance Participation/Cooperation Requirements  
Failure to Participate with the Work Incentive Demonstration  
Program (Renumbered)  
JOBS Project-Chance Initial Assessment Process/Development of an  
Employability Plan  
JOBS Project-Chance Orientation  
Conciliation and Fair Hearings  
JOBS Project-Chance Components  
JOBS Project-Chance Sanctions  
Good Cause for Failure to Comply with JOBS Project-Chance  
Participation Requirements
- |         |  |
|---------|--|
| Section |  |
| 112.70  |  |
| 112.71  |  |
| 112.72  |  |
| 112.73  |  |
| 112.74  |  |
| 112.76  |  |
| 112.77  |  |
| 112.78  |  |
| 112.79  |  |
| 112.80  |  |

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112.81 Responsible Relative Eligibility for ~~Fes~~ JOBS Project-Chance  
 112.82 JOBS Project-Chance Supportive Services  
 112.83 Young Parents Program  
 112.84 Work Experience Evaluation Project  
 112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section  
 112.86 Project Advance  
 112.87 Project Advance Experimental and Control Groups  
 112.88 Project Advance Participation Requirements of Experimental Group  
 Members and Adjudicated Fathers  
 112.89 Project Advance Cooperation Requirements of Experimental Group  
 Members and Adjudicated Fathers  
 112.90 Project Advance Sanctions  
 112.91 Good Cause for Failure to Comply with Project Advance  
 112.93 Individuals Exempt From Project Advance  
 112.95 Project Advance Supportive Services

## SUBPART F: EXCHANGE PROGRAM

Section  
 112.98

Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section  
 112.100

112.101 Unearned Income  
 112.102 Unearned Income of Stepparent or Parent  
 112.105 Budgeting Unearned Income  
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
 112.107 Initial Receipt of Unearned Income  
 112.108 Termination of Unearned Income  
 112.110 Exempt Unearned Income  
 112.111 Education Benefits  
 112.115 Incentive Allowances  
 112.120 Unearned Income In-Kind  
 112.125 Earmarked Income  
 112.126 Lump Sum Payments  
 112.127 Protected Income  
 112.128 Earned Income  
 112.130  
 EMERGENCY  
 112.131 Earned Income Tax Credit  
 EMERGENCY  
 112.132 Budgeting Earned Income

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112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
 112.134 Initial Employment  
 112.135 Budgeting Earned Income For Contractual Employees  
 112.136 Budgeting Earned Income For Non-Contractual School Employees  
 112.137 Termination of Employment  
 112.138 Transitional Payments (Repealed)  
 112.140 Exempt Earned Income  
 112.141 Earned Income Exemption  
 EMERGENCY  
 112.142 Exclusion From Earned Income Exemption  
 EMERGENCY  
 112.143 Recognized Employment Expenses  
 EMERGENCY  
 112.144 Income From Work/Study/Training Program  
 EMERGENCY  
 112.145 Earned Income From Self-Employment  
 EMERGENCY  
 112.146 Earned Income From Roomer and Boarder  
 112.147 Income From Rental Property  
 EMERGENCY  
 112.148 Payments from the Illinois Department of Children and Family Services

112.149 Earned Income In-Kind  
 112.150 Assets  
 112.151 Exempt Assets  
 112.152 Asset Disregards  
 112.153 Deferral of Consideration of Assets  
 112.154 Property Transfers (Repealed)  
 112.155 AFDC Income Limit  
 EMERGENCY

## SUBPART H: PAYMENT AMOUNTS

Section

112.250 Grant Levels  
 112.251 Payment Levels in AFDC  
 112.252 Payment Levels in AFDC Group I Counties  
 112.253 Payment Levels in AFDC Group II Counties  
 112.254 Payment Levels in AFDC Group III Counties

## SUBPART I: OTHER PROVISIONS

Section

112.300 Persons Who May Be Included in the Assistance Unit  
 112.301 Presumptive Eligibility  
 112.302 Monthly Reporting  
 EMERGENCY



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112.303 Retrospective Budgeting  
 112.304 Budgeting Schedule  
 112.305 Strikers  
 112.306 Foster Care Program  
 112.307 Responsibility of Sponsors of Aliens  
 112.308 Special Needs Authorizations  
 112.309 Institutional Status  
 112.310 Young Parent Program (Renumbered)  
 112.315 Redetermination of Eligibility  
 112.320 Extension of Medical Assistance Due to Increased Income from Employment  
 112.330 Four Month Extension of Medical Assistance Due to Child Support Collections  
 112.331 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)  
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

## SUBPART J: CHILD CARE

Section  
 112.350 Child Care  
 EMERGENCY  
 112.352 Child Care Eligibility  
 EMERGENCY  
 112.354 Qualified Provider  
 EMERGENCY  
 112.356 Notification of Available Services  
 EMERGENCY  
 112.358 Participant Rights and Responsibilities  
 112.362 Additional Service to Secure or Maintain Child Care Arrangements  
 112.364 Rates of Payment for Child Care  
 112.366 Method of Providing Child Care  
 112.370 Non-JOBS Education and Training Program

## SUBPART K: TRANSITIONAL CHILD CARE

Section  
 112.400 Transitional Child Care Eligibility  
 112.404 Duration of Eligibility for Transitional Child Care  
 112.406 Loss of Eligibility for Transitional Child Care  
 112.408 Qualified Child Care Providers  
 112.410 Notification of Available Services  
 112.412 Participant Rights and Responsibilities  
 112.414 Child Care Overpayments and Recoveries  
 112.416 Fees for Service for Transitional Child Care  
 112.418 Rates of Payment for Transitional Child Care

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AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/4-1 and 12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 707, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299,

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effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987;

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amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813,



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effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING  
(JOBS) PROGRAM PROJECT-CHANCE

Section 112.70 Participation Requirements for ~~For~~ JOBS Project-Chance

Sections 112.70 through 112.83 describe the Job Opportunities and Basic Skills Training (JOBS) Program Project-Chance employment, education, and training participation requirements for AFDC clients. The purpose of JOBS Project-Chance is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. JOBS Project-Chance will focus on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allow to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and or skills needed to meet the demands of the current labor market as well as in the future. Upon completion of the individuals education and/or training all participants will seek employment as part of the employability plan. To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate. The Department will decide the categories of individuals who can participate in JOBS Project-Chance based upon budget analysis of component costs and supportive service costs for each category of individuals and in keeping with Federal Jobs participation requirements. The program offered in different counties of the State may vary depending on the extent that resources are available. Program services may be provided directly by the Illinois Department of Public Aid or through contract as allowed by Federal law. References to the Department or staff of the Department shall include contractors when the Department has entered into contracts for program services. In areas that are contracted by the Department with community colleges the program is called Opportunities. References to JOBS and JOBS participants shall include Project Chance and Project Chance participants and Opportunities and Opportunities participants.

- a) Both exempt and non-exempt individuals receiving AFDC may participate in JOBS Project-Chance when state resources permit. All non-exempt

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individuals receiving AFDC are required to participate in JOBS Project-Chance only to the extent there are resources available to serve individuals other than volunteers. Participation in component activities may be mandated for non-exempt individuals. One parent in the AFDC-U case must participate in the Unemployed Parent Work Experience component unless he/she is exempt under one of the exemption criteria (see Section 112.71). If one parent is exempt, the other parent must participate in the Unemployed Parent Work Experience component unless he/she is also exempt. Participation may be limited for non-exempt and exempt individuals based on component cost or available funds for supportive services for participating individuals. Dependent children under sixteen(16) who are not parents cannot participate in JOBS Project-Chance unless they are participating in the Youth Employment and Training Initiative.

- b) JOBS Project-Chance services will be offered to exempt and non-exempt individuals who wish to volunteer to participate.

1) Volunteers will be served first. However, participation may be mandated for non-exempt individuals if needed to serve adequate numbers in the target populations, or if state resources are available to provide services beyond this volunteer population. Exempt and non-exempt individuals who volunteer to participate become a program participant upon completion of the Initial Assessment, development of the employability plan, and assignment to a component (see Section 112.74). Participation may be limited for volunteers if state resources are insufficient. A waiting list will be established by geographical area to serve those on waiting lists in each geographical area. Volunteers who fail to attend the orientation and/or Initial Assessment meetings will not be sanctioned. However, non-exempt volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan, and assignment to a component may be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79). Non-exempt individuals who are mandated to participate but fail to attend the orientation meeting or to complete the Initial Assessment without good cause may be sanctioned.

- c) 2) The priority that volunteers will be served is: If state resources are insufficient to provide component and supportive service costs for JOBS participants, child care, if needed, will be provided when the education or training activity for non-JOBS individuals in JOBS areas is approved based on the same

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criteria, except the criterion that requires individuals to participate an average of 20 hours each week, that is used for JOBS individuals described in Section 112.78. (See Section 112.370). Non-JOBS individuals will request child care using the Department of Children and Family Services request for child care services and registration.

- A) non-exempt-volunteers-from-the-target-groups;
- B) exempt-volunteers-from-the-target-groups;
- C) non-exempt-volunteers-other-than-the-target-groups;
- D) exempt-volunteers-other-than-the-target-groups-and
- E) non-volunteers.

e)d) JOBS Project-Chance participation may be mandated to the extent resources allow and to the extent needed to meet Federal program requirements and maintain a program that is balanced between education and training services and placement sources for job ready individuals. If it is determined that Project-Chance-participation must be mandated, this shall be done in the following order:

- 1) recipients-of-Aid-to-Families-with-Dependent-Children--Unemployed-(AFDC-U)-who-are-in-the-target-groups-specified-in-subsection-(d)-below;
- 2) recipients-of-AFDC-U-not-in-the-target-groups;
- 3) recipients-of-Regular-Aid-to-Families-with-Dependent-Children (AFDC) whose-youngest-child-is-at-least-age-16;
- 4) recipients-of-AFDC-on-assistance-at-least-three-(3)-of-the-last-five-(5)-years-and
- 5) recipients-of-AFDC-under-the-age-of-twenty-four-(24)-who-have-not-completed-high-school.

e)e) JOBS Project-Chance resources will be targeted to the following groups:

- 1) current recipients who have received AFDC for any thirty-six (36) of the preceding sixty-(60) months;
- 2) applicants-for-AFDC-who-have-received-AFDC-for-any-thirty-six

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~~{36}-of-the-sixty-(60)-months-immediately-preceding-the-most-recent-month-for-which-application-has-been-made}~~

- 3) custodial parents under age twenty-four-(24) who have not completed high school or have little or no work experience within the preceding year; or

- 4) members of families in which the youngest child is within two (2) years of being ineligible for AFDC because of age.

e)f) A custodial parent under age twenty-(20) who has not completed a high school education (or its equivalent) is not exempt from participation in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age six (6). This requirement is conditioned upon provision to the young parent of all necessary child care services.

f)g) A custodial parent age sixteen-(16) or seventeen-(17) may be excused from educational activities directed toward obtaining a high school diploma (or equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child, is homeless, or is experiencing family or personal crisis.

g)h) A custodial parent who is age eighteen-(18) or nineteen-(19) may participate in training or work activities instead of educational activities if one of the following conditions is met:

- 1) prior to any assignment of the parent to educational activities, it is determined, based on an educational assessment and the employment goal established in the parents' employability plan, that participation in educational activities is not appropriate; or
- 2) the parent fails to make good progress in successfully completing educational activities, and it is determined based on an individual assessment, and the employment plan that the educational activity is not appropriate.

h)i) Individuals age twenty-(20) or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:



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- 1) the individual reads at the 9.9 grade level; or
- 2) the long term employment goal identified in the individual's employability plan does not require a high school diploma (or equivalent); or
- 3) the individual reads below the 9.9 grade level, and it is determined based on the individual's assessment that the individual does not possess the aptitude to progress in an educational program and does not wish to participate in an educational program.

§11) A parent or other relative personally caring for a child under age six (6) will not be required to participate in JOBS Prejeet-Chanee for more than twenty-(20) hours per week except as specified in subsection (e) (f) above.

§12) Children in AFDC cases who are ages 14-18 and attend school may be required to participate in the Youth Employment and Training Initiative under the Project Chance Program.

(Source: Amended at 17 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

Section 112.71 Individuals Exempt from JOBS Prejeet-Chanee

a) An individual shall be exempt from JOBS Prejeet-Chanee participation when that individual:

- 1) Is age sixteen-(16) through eighteen-(18) in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance unless the child is required to participate in the Youth Employment and Training Initiative. If the individual loses this exemption because he/she is no longer in school, the exemption is no longer applicable even if the individual returns to school;
- 2) Temporary and Chronic Illness or Injuries
  - A) Temporary Illness and Injuries
    - i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local office, on the basis of medical evidence (e.g., statement from a medical provider) or on another sound basis that the illness/injury is serious enough to temporarily prevent the individual from engaging in

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## Section 112.71(a)(1)(C)(i) (continued)

employment or participating in JOBS Prejeet-Chanee. A sound basis for exemption from JOBS Prejeet-Chanee on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;

ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;

B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in JOBS Prejeet-Chanee. This may include a period of recuperation after childbirth if prescribed by a woman's physician;

C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;

3) Is under age sixteen-(16), or is age sixty-(60) years or older unless the child is required to participate in the Youth Employment and Training Initiative;

4) Resides in an area remote from the JOBS Prejeet-Chanee office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two (2) hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;

5) Has another household member for whom that individual must

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- provide full-time care;
- 6) Is the parent or other caretaker relative of a child under age three (3) in the home (other than a minor parent under age twenty-(20) without a high school diploma or equivalent who is required to participate in education) who is personally providing care for the child. Only one person in a case may be exempt for this reason.

7) Employment

- A) Is employed 30 hours or more per week;
- B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten (10) work days.
- 8) Is in the 4th month of pregnancy or later; or
- 9) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.).

- b) Individuals who request an exemption from participation in JOBS Project-Chance shall do so in writing with the assistance of the JOBS Project-Chance worker or other Department staff, if needed, and shall receive a written notice of decision on such request within forty-five-(45) days. Requests for an exemption may be made at:

- 1) application for assistance;
- 2) orientation;
- 3) assessment;
- 4) reassessment;
- 5) AFDC eligibility redeterminations;
- 6) client's request; or
- 7) whenever information received by the Department indicates the possibility of an exemption.

- c) Exempt individuals may volunteer for JOBS Project-Chance.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 112.72 JOBS Project-Chance Participation/Cooperation Requirements

- a) An individual is required to participate in JOBS Project-Chance by:

- 1) Cooperating with JOBS Project-Chance. Cooperation with JOBS Project-Chance is defined as providing requested information about employment history and capabilities, appearing for scheduled meetings, participating in assessment and literacy tests, and complying with the requirements of JOBS Project-Chance component activities identified in Sections 112.78 and 112.79;
- 2) Responding to a job referral of suitable employment (i.e., a written statement referring a participant to an employer for a specific position);
- 3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:
  - A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department of Employment Security; and
  - B) there are no questions as to the individual's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and
  - C) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection.
- 4) Suitable employment must meet the following criteria:
  - A) Wages offered must be at least the greater of:
    - i) the Federal minimum wage; or
    - ii) the State minimum wage.
  - B) Subminimum training wages offered must be at least the greater of:
    - i) the Federal subminimum training wage; or



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## Section 112.72(a)(4)(B) (continued)

- ii) the State subminimum training wage.
- C) If the wages are offered on a piece-rate basis wages for a beginner must equal the amount the participant can reasonably be expected to earn as outlined in Section 112.72(a)(4)(A).
- D) The participant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.
- E) There is no unreasonable degree of risk to the participant's health and safety.
- F) The participant is physically and mentally competent to perform the work.
- G) The employment must be within reasonable distance of the participant's residence. Commuting time must not represent more than 25% of the participant's total time on the job, e.g., no more than two {2} hours commuting time for an eight {8} hour work day.
- H) The employment would result in the participant's family not experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to earnings, unearned income and cash assistance. Necessary and reasonable expenses include: all mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court ordered income withheld from earnings; child care costs at the Department's established rate if the individual would not be eligible for Transitional Child Care (see Sections 112.400 thru 112.418); and transportation costs to get to and from employment including travel for child care at the Department's established rates.
- 5) Participants must register and appear for interviews at the Department of Employment Security's Job Service offices when required by a JOBS Prejeet-Chanee component activity.
- b) Additionally, participants who are part-time employed as defined in Section 112.64(d)(1), must:

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- 1) continue their part-time employment as defined in Section 112.64(d)(1); and
  - 2) not reduce their employment (i.e., voluntarily reducing work hours).
  - c) Failure of a non-exempt individual to participate/cooperate with the JOBS Prejeet-Chanee requirements listed in this Section without good cause will result in sanction as outlined in Section 112.79.
  - d) Failing to achieve certain grades or competency levels or goals in educational, training, or work activity shall not constitute failure to participate in JOBS Prejeet-Chanee, but shall be addressed through a reassessment, requested by the participant or JOBS Prejeet-Chanee.
- (Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 112.74 JOBS Prejeet-Chanee Initial Assessment Process/Development of an Employability Plan

- a) Initial Assessment to Develop an Employability Plan
  - 1) All individuals shall undergo an initial assessment to develop an employability plan.
  - 2) The initial assessment shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems including the need of a determination of whether the individual qualifies for an exemption shall be elicited. A determination of whether the individual qualifies for an exemption may take place at any time the client requests or JOBS Prejeet-Chanee staff perceive a reason for exemption during the individual's participation in the program. As part of the assessment process, individuals and JOBS Prejeet-Chanee staff shall work together to identify any supportive service needs required to enable them to participate in JOBS Prejeet-Chanee and meet the objectives of their employability plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The

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## Section 112.74(a)(2) (continued)

initial assessment shall include standard literacy testing and a determination of English language proficiency.

- 3) The employability plan must:
  - A) contain an employment goal of the participant;
  - B) describe the services to be provided by the agency, including child care and other supportive services;
  - C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
  - D) describe any other needs of the family that might be met by JOBS Project-Chancee such as participation by a child in drug education or in life skills planning sessions.
- 4) The employability plan shall take into account:
  - A) available program resources;
  - B) the participant's supportive service needs;
  - C) the participant's skills level and aptitudes;
  - D) local employment opportunities;
  - E) to the maximum extent possible, the preferences of the participant;
  - F) the employability plan shall not be considered a contract;
  - G) final approval of the plan rests with the JOBS Project-Chancee program; and
  - H) the participant shall be offered a copy of the employability plan.
- b) Occurrence of the Initial Assessment
  - 1) The initial assessment shall take place before a participant is assigned to any JOBS Project-Chancee component. All participants will be scheduled to begin the initial assessment within fourteen (14) working days after orientation.

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## Section 112.74(b) (continued)

- 2) The participant will be notified in writing of the initial assessment meeting. The notice shall include the following information:
  - A) the date and time of the interview;
  - B) a description of the purpose of the interview;
  - C) the consequences of failing to attend;
  - D) the right to re-schedule for good cause;
  - E) the right to request child care and transportation to attend; and
  - F) the name of the person to contact for such purposes.
- c) During the initial assessment, the employability plan and needed services will be determined. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems which may include the need of any child of the individual). The preference of the individual will be taken into account in the development of the employability plan to the maximum extent possible and appropriate. In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and JOBS Project-Chancee staff shall work together to identify any supportive service needs required to enable them to participate in JOBS Project-Chancee and meet the objectives of their employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency. Literacy level is defined as reading at a 9.9 grade level or above. Based on the initial assessment, the individual will be assigned to the appropriate component activity. Individuals must participate an average of twenty-(20) hours each week to enable the State of Illinois to obtain maximum Federal match monies unless special circumstances prevent twenty (20) hours of participation each week. Special circumstances are based on the participant's physical capacity, skills, experience, health and safety, and family responsibilities. Components may be combined to increase the hours



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## Section 112.74(c) (continued)

of participation to twenty-(20) hours each week as required for Federal Financial Participation (FFP). The decision will be based on a determination of the individual's level of preparation for employment. The four (4) levels are as follows:

- 1) Individuals unable to participate due to barriers or problems such as substance abuse problems, domestic violence, family problems, etc. will be referred to an appropriate supportive/ancillary service activity.
- 2) Individuals ready to participate, but not job ready and in need of educational services will be referred to an educational component. Individuals ready to participate but in need of educational services will include but are not limited to:
  - A) individuals with limited English proficiency;
  - B) individuals under age twenty-(20) who do not have a high school diploma; and
  - C) individuals age twenty-(20) and over who do not read at or above a 9.9 grade level.
- 3) Individual(s) ready to participate, but lacking the necessary education or training for employment, near job ready will be referred to job skills training, job readiness training, post secondary education, work experience or other appropriate components.
- 4) Job ready individuals will be referred to job readiness activities, job placement, or job search. To be "job ready", an individual must possess the following attributes:
  - A) A job ready individual must have:
    - i) transportation (ability to get to the work site);
    - ii) clothes (suitable and appropriate for the type of work);
    - iii) child care;
    - iv) tools (if required and not supplied by the employer);
    - v) certificates, licenses, and/or degree (if required);

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- vi) a medical release (where needed, such as workers recently on disability);
  - vii) mental and emotional capability of employability;
  - viii) freedom from any dependency on drugs or alcohol; and
  - ix) motivation to find and hold a job.
- B) Plus one or more of the following:
- i) marketable skills through work history (i.e., current or within the past twenty-four-(24) months and a work history in the area of interest or area to which the referral is requested);
  - ii) marketable skills through education and/or training (i.e., current or within the past twenty-four-(24) months, in the area of occupation being sought, and is able to meet the entry level requirements of the occupation);
  - iii) if requesting the referral to a specific job order the individual must meet all requirements listed on the order; or
  - iv) new entrants into the job market and persons meeting entry level requirement of specific job.

## d) Reassessment

- 1) A reassessment will be conducted to assess a participant's progress and to review the employability plan at least at the following times:
  - A) upon completion of a component activity and before assignment to a component activity;
  - B) upon the request of the participant;
  - C) if the individual is not cooperating with the requirements of the program;
  - D) if the individual has failed to make satisfactory progress in an education or training program;

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- E) upon completion of an academic term;
  - F) upon referral from DES or other entities; and
  - G) every twelve-(12) consecutive months for individuals participating in an Unemployed Parent Work Experience component work assignment.
- 2) The reassessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. A written notice may be sent to the participant if the reassessment needs to be rescheduled.
  - 3) The employability plan must:
    - A) contain an employment goal of the participant;
    - B) describe the services to be provided by the agency, including child care and other supportive service;
    - C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
    - D) describe any other needs of the family that might be met by JOBS Prejeet-Chanee such as participation by a child in drug education or in life skills planning sessions.
  - 4) The employability plan shall take into account:
    - A) available program resources;
    - B) the participant's supportive service needs;
    - C) the participant's skills level and aptitudes;
    - D) local employment opportunities;
    - E) to the maximum extent possible, the preferences of the participant.
  - 5) A reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking the participant may be reassigned to a more appropriate component and relevant facts shall be reviewed to determine if the client is exempt from program participation requirements.

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## Section 112.74 (continued)

- e) If a non-exempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process without good cause, the individual is subject to sanction rules.
- f) If the non-exempt participant has good cause for failing to appear for the assessment interview or to comply with the assessment process, sanction rules do not apply.
- g) JOBS Prejeet-Chanee participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (e.g., child care provided by the Department of Children and Family Services).
- h) Expenses for transportation and child care services will be provided to enable individuals to attend the assessment meeting, if requested.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.76 JOBS Prejeet-Chanee Orientation

- a) At the time of application and at the time of the first face to face redetermination (after April 1, 1990), all AFDC applicants and recipients will be informed in writing and orally, if appropriate, of the availability of the JOBS Prejeet-Chanee program and of the supportive services for which they might be eligible and of the agency and participant responsibilities. This includes the following:
  - 1) education, employment and training opportunities available;
  - 2) supportive services including child care;
  - 3) the obligation of the agency to provide supportive services;
  - 4) the rights and responsibilities of participants; and
  - 5) the types and locations of child care services.
- b) Within one month of the determination of eligibility for AFDC, the JOBS Prejeet-Chanee program will notify the individual in writing via an invitation a letter regarding how he or she can enter the program or at other appropriate times. The client may then volunteer for the JOBS Prejeet-Chanee program but will in no event be sanctioned for failure to volunteer.



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## Section 112.76 (continued)

- c) Exempt and non-exempt volunteers will be sent an orientation appointment letter inviting them to the orientation concerning JOBS Prejeet-Chanee. The letter shall include the following:

- 1) the date and time of the meeting;
- 2) a description of the program and the purpose of the meeting;
- 3) information on how to reschedule the meeting if necessary;
- 4) the right to request child care or transportation services to attend; and
- 5) the name of the person to contact for such purposes.

- d) Non-exempt individuals may be required to enter the JOBS Prejeet-Chanee program and attend the orientation. JOBS Prejeet-Chanee will send these non-exempt individuals an appointment letter requiring that they attend a JOBS Prejeet-Chanee Orientation meeting. The letter shall include the following information:

- 1) the fact that they are non-exempt and are required to participate;
- 2) the right to request an exemption;
- 3) a complete description of all available exemptions;
- 4) the date and time of the meeting;
- 5) a description of the program and the purpose of the meeting;
- 6) the consequences of failing to attend;
- 7) the right to reschedule the appointment with good cause;
- 8) the right to request child care or transportation services to attend; and
- 9) the name of the person to contact for such purposes.

- e) At the Orientation meeting JOBS Prejeet-Chanee staff inform the participant of JOBS Prejeet-Chanee participation requirements, distribute a copy of the JOBS Prejeet-Chanee handbook to participants, and explain its contents. The JOBS Prejeet-Chanee handbook contains program information including the following:

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## Section 112.76(e) (continued)

- 1) an overview of JOBS Prejeet-Chanee;
  - 2) the exemption criteria listed in Section 112.71 and the procedure for obtaining an exemption;
  - 3) a description of all JOBS Prejeet-Chanee components, eligibility criteria, and specific participation requirements for each component;
  - 4) general participation requirements i.e., appearing for scheduled meetings with JOBS Prejeet-Chanee staff, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72);
  - 5) the support services identified in Section 112.82;
  - 6) the initial assessment process and reassessment including review of the employability plan (see Section 112.74);
  - 7) the result of the participant's failure to cooperate without good cause with JOBS Prejeet-Chanee;
- f) Participants must attend all Orientation meetings or notify their JOBS Prejeet-Chanee worker of good cause to be excused and have their meeting rescheduled (see Section 112.80).
- 1) If a non-exempt participant is required to participate due to insufficient number of volunteers and fails to attend an Orientation meeting on two separate occasions without good cause (see Section 112.80), sanction rules shall apply. Exempt and non-exempt volunteers will not be sanctioned for failure to attend orientation.
  - 2) If the non-exempt participant who was required to participate due to insufficient number of volunteers fails to attend an Orientation meeting on two separate occasions but has good cause on at least one occasion (see Section 112.80), sanction rules shall not apply.
- g) Expenses for transportation and child care services will be provided to enable participants to attend the Orientation meeting, if requested.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 112.77 Conciliation and Fair Hearings

- a) The Department shall establish a conciliation procedure to assist in resolving disputes related to any aspect of participation, including exemptions, good cause, sanctions or proposed sanctions, supportive services, orientation, assessments, employability plans, assignment to components, suitability of employment, or refusals of offers of employment.
- b) A participant of JOBS Prejeet-Chanee may request conciliation and receive notice in writing of a meeting. Conciliation must begin within fourteen (14) work days upon request or from the participant's failure to meet JOBS Prejeet-Chanee requirements. At least one face-to-face meeting may be scheduled with JOBS Prejeet-Chanee and the participant to resolve misunderstandings or disagreements related to program participation and situations which may lead to a potential sanction. The meeting will include the participant, JOBS Prejeet-Chanee worker, a neutral person and a representative for the participant, if desired, if the participant and JOBS Prejeet-Chanee worker cannot resolve the issue. The meeting will address the underlying reason(s) for the dispute and plan a resolution to enable the individual to participate in JOBS Prejeet-Chanee. Conciliation may be completed by telephone if both parties agree. If the telephone conciliation is unsuccessful, a face-to-face meeting is scheduled to conciliate.
- c) The conciliation process shall continue after it is determined that the individual did not have good cause for non-cooperation. Any necessary demonstration of cooperation on the part of the participant will be part of the conciliation process and which will last no more than thirty (30) days.
- d) During the conciliation process, the following is completed:
  - 1) a discussion of the nature of the problem or dispute and potential resolution;
  - 2) an explanation of the individual's rights and responsibilities;
  - 3) a review of the employability plan;
  - 4) a discussion of expectations of the participant and JOBS Prejeet-Chanee; and
  - 5) development of a conciliation agreement and fulfillment of it following the conciliation meeting. The requirement(s) of the agreement cannot be contrary to JOBS Prejeet-Chanee participation requirements.

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## Section 112.77 (continued)

- e) JOBS Prejeet-Chanee will document in the case record the proceedings of the conciliation and provide the client in writing with a conciliation agreement.
- f) If conciliation resolves the dispute, no sanction will occur and any previous failure to participate in JOBS Prejeet-Chanee without good cause will not count as a sanctionable event in the future. If the dispute cannot be resolved during conciliation, a sanction will not occur until the conciliation process is complete. The participant has the right to request an appeal hearing through the Department's fair hearing process.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.78 JOBS Prejeet-Chanee Components

## a) Education (Below Post Secondary)

Participants who are determined ready to participate but in need of education are referred to the education component. In this component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (e.g., GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

## 1) Assignment to Education (Below Post Secondary)

- A) Individuals to be assigned to Education may include but are not limited to the following:
  - i) custodial parents under age twenty-(20) who do not have a high school degree or equivalent;
  - ii) individuals with limited English proficiency;
  - iii) individuals age twenty-(20) and over who do not read at or above a 9.9 grade level; and
  - iv) individuals age twenty-(20) and over who do not have a high school degree or its equivalent and wish to obtain one.



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## Section 112.78(a)(1) (continued)

B) Parents ages sixteen-(16) and seventeen-(17) may be excused from educational activities if the parent is unable to participate in educational activities due to his/her own mental or physical illness or that of his/her spouse or child, is homeless, or is experiencing family or personal crisis. This shall include but not be limited to domestic violence and a child's suspension from school.

C) Parents age eighteen-(18) and nineteen-(19) may be assigned to training or work activities instead of educational activities if:

- i) the parent fails to make good progress in successfully completing education activities, or
- ii) prior to assignment, the parent had made arrangements to participate in a training program that is approved by the JOBS Prejeet-Chance program; or
- iii) it is determined based on the assessment and the employment goal of the individual that educational activities are not appropriate.

D) Educational activities may be combined with other component activities if it is determined appropriate.

## 2) Approval criteria for education (Below Post Secondary)

A) The individual's program must be accredited under state law.

B) The individual's program must be needed for the participant to complete his or her employability plan.

C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.

D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in transportation supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

## 3) Participation Requirements

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## Section 112.78(a)(3) (continued)

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must maintain participation attendance of at least 75% of scheduled activities unless there is good cause for missing more.

C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:

- i) active participation and pursuit of educational objectives;
- ii) teacher's written remarks;
- iii) grades;
- iv) demonstrated competencies;
- v) classroom exercises; and
- vi) periodic test/retest results.

D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for twelve-(12) months.

E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for twelve-(12) months.

F) The individual must participate an average of twenty-(20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.

G) Curriculum changes must be made with the prior approval of

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JOBS and will be approved when the change is consistent with the employability plan.

## b) Job Skills Training (Vocational)

Job Skills Training is designed to increase the individual's ability to obtain and maintain employment. Job Skills Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Job Skills Training may include certificate programs.

- 1) Self-initiated activity qualifies as "self initiated education or training" for this component if:

- A) The participant is attending at least half-time as defined by the institution;
- B) The participant is making satisfactory progress in such institution, school or course;
- C) The course of study is consistent with the individual's employment goal; and
- D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(b)(2)(A) thru (J).

## 2) Approval Criteria For Job Skills Training (Vocational)

- A) The individual's program must be accredited under requirements of state law.
- B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
- C) The individual must have a high school diploma or GED if required for training requirements and/or employment in the chosen field.
- D) The individual must apply for all available educational benefits such as the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.

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## Section 112.78(b)(2) (continued)

- E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.

- F) When the individual possesses an associate degree, license or certificate, the program selected must result in an increase in the level of the individual's earnings upon completion. Otherwise, no additional training will be approved unless, due to a change in the economy or occupation, there are not jobs available in the individual's chosen occupation. If the individual possesses a baccalaureate degree, no additional education or training will be approved.

- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.

- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's employability plan upon completion.

- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in transportation supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

- J) Job skills training may be combined with other component activities if it is determined appropriate.

- K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

## 3) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
- B) The individual must maintain attendance participation of at least 75% unless there is good cause for missing more.



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## Section 112.78(b)(3) (continued)

- C) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
- D) The individual must participate an average of twenty-(20) hours each week unless special circumstances prevent twenty-(20) hours of participation each week.
- E) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

F) Curriculum changes must be made with the prior approval of JOBS and will be approved when the change is consistent with the employability plan.

## c) Job Readiness

- 1) The job readiness component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.
- 2) Assignment to Job Readiness  
Job readiness activities may be combined with other component activities if it is determined appropriate.

## 3) Participation requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most

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appropriate based on the individual's or family's circumstances.

- B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search component in the program, the individual must make up to ten (10) acceptable employer contacts in a ~~thirty-(30)~~ day period unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort").
  - C) The individual must participate an average of twenty-(20) hours each week unless special circumstances prevent twenty-(20) hours of participation each week.
  - D) The individual must respond to a job referral, accept employment and respond to mail-in contact.
  - E) The individual must maintain participation of at least 75% unless there is good cause for missing more.
- d) Job Search
- 1) Description of Job Search  
Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills training and information dissemination. Group job search may include training in a group session.
  - 2) Assignment to Job Search
- A) Participation in the Job Search component can not be in excess of ~~eight-(8)~~ weeks (or its equivalent) in any period of ~~twelve-(12)~~ consecutive months.
  - B) Job ready individuals may be assigned to Job Search.  
Individuals completing education or training or job skills training or job readiness training may be assigned to Job Search.
  - C) Job Search may be combined with other component activities if it is determined appropriate.

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## Section 112.78(d) (continued)

## 3) Participation Requirements

- A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.
- B) Individuals must contact employers in an effort to secure employment. Participants must make up to twenty (20) acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:
  - i) the participant appears for a scheduled interview and the employer misses the appointment;
  - ii) the participant makes less than the required number of acceptable employer contacts, but came reasonably close to the required numbers in an effort to find work;
  - iii) the participant fails a civil service or other employment screening test;
  - iv) the participant completes an application which is not accepted by the employer;
  - v) the participant's job search performance indicates that he/she should be in a different ~~JOBS~~ Pretest ~~Change~~ component activity; and
  - vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.
- C) The individual must participate an average of twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.
- D) Acceptable employer contacts may include but are not limited to:
  - i) a face-to-face contact with an employer or the employer's representative;

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- ii) the completion and return of an application to an employer;
  - iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
  - iv) the completion and mailing of a resume with a cover letter to a recognized employer;
  - v) reporting to the union hall for union members verified to be in good standing; or
  - vi) registration with DES.
- E) The individual must maintain participation of at least 75% unless there is good cause for missing more.
- e) Community Work Experience
 

Near job ready participants who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Community Work Experience component. Community Work Experience assignments are with not-for-profit and public agencies statewide. Not-for-profit and public agencies shall not use Community Work Experience participants to displace regular employees (see subsection (e)(4) below). Work experience programs shall be limited to those which serve a public purpose in fields such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and child care. Participants in Community Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342), or any other provision of law, such agency may accept such services, but such participants shall not be considered to be Federal employees for any purpose.

## 1) Assignment to Community Work Experience

- A) The Community Work Experience component is for participants determined:



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- i) to have no recent work history or employer references taking into consideration such factors as the educational background and previous training; or
- ii) to need experience to prevent deterioration of or to enhance existing skills (e.g., typing).

## B) Entry into Community Work Experience

Participants are determined to be eligible for the Community Work Experience component, based on the of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including but not limited to the participant's case record).

## C) Community Work Experience Positions

A participant shall be assigned to a Community Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.

- D) Community Work Experience activities may be combined with other component activities if it is determined appropriate.

## 2) Participation Requirements

- A) Work assignment consists of no more than six months in a 12 consecutive calendar month period. ~~three-30-day-periods. (The date the participant is to appear at the work assignment begins the three-30-day-periods.)~~ The hours of the work assignment for a calendar month 30-day-period shall not exceed the family's AFDC grant received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the

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## Section 112.78(e)(2)(A) (continued)

\$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to forty-(40) or eighty-(80) hours. The minimum number of hours that must be completed within a calendar month 30-day-period is forty-(40) hours, and the maximum number of hours that must be completed within a 30-day-period is eighty-(80) hours.

- B) During work assignment, the participant shall be required to make up to ten (10) employer contacts per month if participating in a forty-(40) hour work assignment, or five (5) employer contacts per month if participating in an eighty-(80) hour work assignment unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort") or participates in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

- C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

- D) The individual must participate an average of twenty-(20) hours each week unless special circumstances prevent twenty-(20) hours of participation each week. The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include but is not limited to activities such as the work assignment, the completion of employer contacts and attendance in education/training programs.

## 3) Reassessment

At the end of the work assignment third-30-day-period, the participant's mandatory-registrant's employability will be evaluated using the procedures and criteria described in Section 112.74. If continuing the work assignment will benefit the participant mandatory-registrant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the participant mandatory-registrant shall be reassigned to the work assignment. Otherwise, the participant mandatory-registrant

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## Section 112.78(e)(3) (continued)

will be assessed for assignment to another JOBS Project-Chaase component.

## 4) Length of Assignment

An individual cannot be assigned to Community Work Experience for more than a total of six (6) months in any 12 consecutive calendar month period.

## 5) Displacement

A) The Work Experience Sponsor shall not use participants to:

i) displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or

ii) displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor; or

iii) impair existing contracts for services or collective bargaining agreements; or

iv) infringe in any way upon promotional opportunities of any currently employed individual; or

v) fill any established unfilled position vacancy; or

vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.

B) Participant's, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

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## Section 112.78(e)(5)(B) (continued)

i) the name and address of the participant or other employee at the work site i.e., the grievant;

ii) the participant's public aid case number;

iii) the participant's or other employee's (at the work site) social security number;

iv) Work Experience (work site); and

v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.

C) Within ten (10) days of receipt of a written grievance, the Department shall arrange an in-person conference with:

i) the participant or other employee at the work site;

ii) the participant's or other employee's (at the work site) representative, if any;

iii) the Work Experience Sponsor;

iv) the Work Experience Sponsor's representative, if any; and

v) the Department's representative.

D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

E) Within fifteen (15) days of the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.



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## Section 112.78(e)(5) (continued)

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A) above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of JOBS Prejeet-Chanee participants in addition to the participant, then the Department shall terminate those JOBS Prejeet-Chanee participants' assignment to that work assignment Sponsor.

G) A decision of the Department relating to a displacement grievance may be appealed by a regular employee within 20 days of the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR §251.4.

H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

## f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

## 1) Assignment to OJT

- A) Job ready individuals may be assigned to OJT.
- B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
- C) Wages to participants in OJT shall not be less than the higher of the State or Federal minimum wage.
- D) Wages to participants in OJT are considered earned income.
- E) OJT may be combined with other component activities if it is determined appropriate.

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## Section 112.78(f) (continued)

## 2) Participation Requirement

- A) ~~The participant must attend all scheduled days.~~
- B) The individual must participate an average of twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.
- B) The individual must maintain participation of at least 75% unless there is good cause for missing more.

## 3) Supportive Services

Participants in OJT receive child care and medicaid benefits through the AFDC program, not JOBS Prejeet-Chanee.

## g) Exchange Program (see Section 112.98)

## h) Post Secondary Education

Individuals may be referred to post secondary education programs. Post secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, The Barber, Cosmetology and Esthetics Act of 1985 (Ill. Rev. Stat. 1991, ch. 111, par. 1701-1 et seq.) [225 ILCS 410], the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5801 et seq.) [225 ILCS 455], the Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, par. 101-1 et seq.) [110 ILCS 805], the University of Illinois Act (Ill. Rev. Stat. 1991, ch. 144, par. 21m et seq.) [110 ILCS 305], the Regency Universities Act (Ill. Rev. Stat. 1991, ch. 144, par. 301 et seq.) [110 ILCS 705] and Southern Illinois University Name Change Act (Ill. Rev. Stat. 1991, ch. 144, par. 599 et seq.) [110 ILCS 505].

1) Self-initiated activity qualifies as "self initiated education or training" for this component if:

- A) The participant is attending at least half-time as defined by the institution;
- B) The participant is making satisfactory progress in such institution, school or course;
- C) The course of study is consistent with the individual's employment goal; and

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## Section 112.78(h)(1) (continued)

- D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(h)(2)(A) thru (n).

## 2) Approval Criteria For Post Secondary Education

- A) The individual must have a high school diploma or a GED.
- B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the employability plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under requirements of State law.
- H) The individual must apply for all available educational benefits such as the Pell grant and scholarship from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's employability plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in transportation supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

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## Section 112.78(h)(2) (continued)

- K) ~~The individual must supply all information requested on the "Postsecondary-Baccalaureate-Degree-Program-Application" form if the employability plan goal is a Bachelor of Science or Bachelor of Arts degree.~~

- L) ~~The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree consistent with the employability plan.~~

- M) ~~L) In a two-parent family, only one parent can participate in the Postsecondary Education component. The individual must be underemployed or unemployed and in need of additional education and the education will better prepare the participant to enter the labor force.~~

## 3) Participation Requirements

- A) ~~The individual must maintain participation attendance of at least 75% unless there is good cause for missing more.~~
- B) ~~The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.~~
- C) ~~The individual must participate an average of twenty (20) hours each week unless special circumstances prevent twenty (20) hours of participation each week.~~
- D) ~~The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.~~



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## Section 112.78(h)(3) (continued)

E) Curriculum changes must be made with the approval of JOBS and will be approved when the change is consistent with the employability plan.

## i) Job Development and Placement (JDP)

1) JOBS Prejeet-Chanee staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.

## 2) Assignment to JDP

Job ready individuals may be assigned to JDP.

## j) Job Retention

The job retention component is designed to assist participants in retaining employment. Initial employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding job retention skills. Counseling may continue up to three months after employment.

## k) Unemployed Parents Parent Work Experience

1) One parent in the AFDC-U case must participate in Unemployed Parents Parent Work Experience unless he/she is exempt under one of the exemption criteria (see Section 112.71). If one parent is exempt, the other parent must participate in Unemployed Parents Parent Work Experience unless he/she is also exempt.

2) Unemployed Parents Parent Work Experience participants who are placed on a supervised work assignment improve their employment skills through actual work experience at not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Not-For-Profit organizations and governmental agencies shall not use Unemployed Parents Parent Work Experience participants to displace regular employees (see subsection (k)(7) below).

3) The individual must participate in Unemployed Parents Parent Work Experience for as long as he/she remains eligible for financial assistance or until is determined exempt from JOBS Prejeet-Chanee. Work assignments are for twenty-(20) hours each week or 40 hours each week for two weeks followed by two weeks off. Attendance in the work assignment is monitored monthly.

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## Section 112.78(k)(3) (continued)

A reassessment must be conducted with the participant at least every twelve-(12) consecutive months.

## 4) Assignment to Work Experience

A) The Unemployed Parents Parent Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:

i) age 25 and over may participate in educational activities below the postsecondary level in addition to his/her Unemployed Parents Parent Work Experience work assignment; or

ii) age 20 through 24 may choose to participate in educational activities below the postsecondary level in addition to or instead of the Unemployed Parents Parent Work Experience work assignment. The individual must participate an average of twenty-(20) hours each week in the Education (below postsecondary) component if he/she chooses this component instead of the Unemployed Parents Parent Work Experience work assignment unless a 20 hour weekly educational program is not available in the area where the program is located. The individual must then attend the program for the scheduled hours the program is offered. If the individual fails to make satisfactory academic progress in the Education (below postsecondary) component, the individual will be assigned to an Unemployed Parents Parent Work Experience work assignment; or

iii) under age 20 must participate an average of twenty (20) hours each week in educational activities below the postsecondary level unless a 20 hour weekly educational program is not available in the area where the program is located. The individual must then attend the program for the scheduled hours the program is offered. The individual must meet the participation requirements of the Education (below postsecondary) component (see Section 112.78 (a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parents Parent Work Experience work assignment.

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## Section 112.78(k)(4) (continued)

## B) Entry into Unemployed Parents Parent Work Experience

The Unemployed Parents Parent Work Experience participant must be one parent in the AFDC-U case unless he/she is exempt under one of the exemption criteria (see Section 112.71). If one parent is exempt, the other parent must participate in Unemployed Parents Parent Work Experience unless he/she is also exempt.

## C) Unemployed Parents Parent Work Experience Positions

A participant shall be assigned to an Unemployed Parents Parent Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parents Parent Work Experience.

## D) Unemployed Parents Parent Work Experience activities may be combined with other component activities if it is determined appropriate.

## 5) Participation Requirements

## A) During the work assignment period, the client must make a good faith effort to complete five (5) employer contacts in each thirty-(30) day period.

## B) Failure to make the required number of employer contacts each thirty-(30) day period without good cause may result in sanction. A client will not be sanctioned for failure to make if he/she makes a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78 (d)(3)(B)).

## C) The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include the work assignment, attendance in Education (below postsecondary), and/or completion of employer contact activities.

## D) The client attending a work assignment must participate twenty-(20) hours each week or 40 hours each week for two weeks followed by two weeks off.

## 6) Reassessment

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## Section 112.78(k)(6) (continued)

A reassessment must be conducted with the participant at least once every twelve-(12) consecutive months.

## 7) Displacement

## A) The Unemployed Parents Work Experience Sponsor shall not use participants to:

i) displace positions of persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits; or

ii) displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor; or

iii) impair existing contracts for services or collective bargaining agreements; or

iv) infringe in any way upon promotional opportunities of any currently employed individual; or

v) fill any established unfilled position vacancy; or

vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.

B) Participants, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

i) the name and address of the participant or other employee at the work site (i.e., the grievant);

ii) the participant's public aid case number;



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## Section 112.78(k)(7)(B) (continued)

- iii) the participant's or other employee's (at the work site) social security number;
  - iv) Work Experience (work site); and
  - v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.
- C) Not more than ten (10) days after receipt of a written grievance, the Department shall arrange an in-person conference with:

- i) the participant or other employee at the work site;
- ii) the participant's or other employee's (at the work site) representative, if any;
- iii) the Work Experience Sponsor;

- iv) the Work Experience Sponsor's representative, if any; and
- v) the Department's representative.

D) At the in-person conference, the Department shall solicit and receive from the participant or other employee at the work site and from the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

E) Within fifteen (15) days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) above), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use

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## Section 112.78(k)(7)(F) (continued)

of JOBS Prejeet-Chanee participants in addition to the participant, then the Department shall terminate those JOBS Prejeet-Chanee participants' assignment to that Work Experience Sponsor.

G) A decision of the Department relating to a displacement grievance may be appealed by a regular employee within 20 days of the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR §251.4.

H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

## 1) Self-Employment

Self-Employment components will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs, technical assistance programs, and a two year exemption of business assets and income for participants. In order to be approved in the self-employment component, the self-employment development plan must be approved.

## 1) Assignment to Self-Employment

Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.

## 2) Participation Requirements

Participants must attend at least 75% of classroom activities.

## 3) Self-Employment Asset and Income Exemptions

In order to qualify for a two year self-employment exemption of the business assets and income, the individual must:

- A) complete a self-employment program or demonstrate equivalent knowledge and experience; and

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## Section 112.78(1)(3) (continued)

## B) submit a business plan which includes the following items:

- i) verification that the business can be started for under \$5,000;
- ii) verification that a loan, if needed, has been secured or that an application for a loan is pending;
- iii) a marketing plan which includes a complete product or service description, the market area, the target customers and promotional strategy, an analysis of the competition, distribution, pricing and selling methods; and
- iv) a financial plan which includes the amount of loan the business will need and the repayment plan, the projected monthly cash flow over a two year period, the estimated cost of production and/or distribution, and the estimated operating expenses.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.79 JOBS Preject-Chance Sanctions

- a) Sanctions may be imposed against those non-exempt participants who fail to participate without good cause in JOBS Preject-Chance if conciliation is unsuccessful (see Section 112.80 for good cause as specified in subsection (b) below.). For non-exempt participants the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three (3) payment months or until the individual cooperates whichever is longer is imposed for the second failure to participate if conciliation is unsuccessful; a sanction period of six (6) payment months or until the individual cooperates whichever is longer is imposed for subsequent failures to participate if conciliation is unsuccessful. The Department will not impose a three (3) or six (6) month sanction on any non-exempt participant due to a sanction imposed prior to April 1, 1990. Sanctions will not be imposed against exempt individuals who volunteer. However, the conciliation process will be provided to exempt individuals who volunteer.

## b) Sanctions

Sanctioning of a non-exempt participant or a penalty against exempt

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## Section 112.79(b) (continued)

Participants will result from one instance of any of the following unless conciliation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
- 3) discontinuing part-time employment (less than 30 hours per week) (see Section 112.64);
- 4) reducing employment (i.e., hours of employment) (see Section 112.64(d)(1));
- 5) failure to respond to call-in notices on two (2) separate occasions for an Orientation appointment (see Section 112.76);
- 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74);
- 7) failure to report to a job-readiness-skills-training-session (see Section 112.74);
- 8) failure to participate in the JOBS Preject-Chance component activity.

9) failure to respond to a written notice for a meeting. For the purposes of determining attendance at JOBS Preject-Chance meetings, if the participant arrives anytime within thirty-(30) minutes of the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than thirty (30) minutes late the tardiness will be excused. The JOBS Preject-Chance worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;

10) failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every thirty (30) days when employer contact activity is required in a component;

11) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in JOBS Preject-Chance activities;



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12)11 failure to maintain satisfactory participation of at least 75% in any program component;

12)12 failure to provide verification of education/training activities, employability status, etc.

c) No JOBS Prejeet-Chanee sanction will be imposed until JOBS Prejeet Chanee staff has sent the non-exempt participant a written notice scheduling a good cause determination/conciliation meeting to determine whether or not the non-exempt participant had good cause for his/her failure to comply with JOBS Prejeet-Chanee requirements and the non-exempt participant has either failed to attend the meeting or failed to show good cause. If the non-exempt participant failed to show good cause, the conciliation process will continue (see Section 112.77) to enable resolving disputes related to JOBS Prejeet-Chanee participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the non-exempt participant to appear for the scheduled meeting is not considered an instance of noncooperation.

d) A JOBS Prejeet-Chanee sanction against non-exempt participants or penalty against exempt participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).

e) When an AFPC-U case is sanctioned for non-compliance with JOBS Prejeet-Chanee, the principal wage earner's "connection to the labor force" shall not have to be reestablished at the end of the sanction period unless assistance has been cancelled for another reason.

f) The notice of change form issued for a JOBS Prejeet-Chanee sanction shall include the following:

- 1) a description of the acts of noncooperation with JOBS Prejeet Chanee, including dates where applicable;
- 2) a statement that the non-exempt participants acts were without good cause (see Section 112.80 for good cause criteria); and
- 3) the following language will be required for non-exempt participants: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request)

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for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance;

4) in addition, exempt participants will receive a notice of change describing the acts of noncooperation, including dates when applicable, a statement that the acts were without good cause, and notification that a penalty may result in loss of priority status should the individual choose to participate in JOBS Prejeet-Chanee at a later time and discontinuance of supportive services.

g) At least fourteen-(14) days prior to the end of the sanction period, a notice will be sent to sanctioned non-exempt individuals whose failure to cooperate has continued for three (3) months explaining the individual's option to end the sanction.

h) Receipt of Medical Assistance and/or Food Stamps shall not be terminated as a result of a JOBS Prejeet-Chanee sanction.

i) During the sanction period, the non-exempt individual who fails to cooperate with JOBS Prejeet-Chanee is ineligible for financial assistance. If the non-exempt individual sanctioned is the unemployed parent in the case, and a second parent is in the case, the second parent shall also be sanctioned even if exempt, unless the second parent is participating in the JOBS Prejeet-Chanee Program.

j) Exempt volunteers in JOBS Prejeet-Chanee who fail to cooperate with JOBS Prejeet-Chanee will not have their assistance grants cancelled or reduced, provided their exemption status has not changed to non-exempt. Exempt volunteers may be penalized by loss of their priority status and supportive services, if applicable, if they fail to cooperate. Exempt volunteers have the right to participate in good cause determination meetings, conciliation, and request an appeal hearing through the Department's fair hearing process (see 89 Ill. Adm. Code 104).

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.80 Good Cause for Failure to Comply with JOBS Prejeet Chanee Participation Requirements

a) If a participant has good cause for not complying with a JOBS Prejeet Chanee participation requirement, financial assistance shall not be discontinued. Examples of good cause include but are not limited to:

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- 1) illness or incapacity;
- 2) court required appearance or temporary incarceration;
- 3) family crisis;
- 4) death in the family;
- 5) breakdown in child care arrangement;
- 6) sudden and unexpected emergency;
- 7) unavailability of otherwise suitable child care;
- 8) breakdown in transportation arrangements or lack of reasonably available transportation;
- 9) inclement weather;
- 10) the job referral does not meet appropriate work or training criteria (see Section 112.72);
- 11) lack of any supportive service (see Section 112.82), even though the necessary service is not specifically provided under JOBS Prejeet-Chance, to the extent the lack of the needed service presents a significant barrier to JOBS Prejeet-Chance participation;
- 12) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by JOBS Prejeet-Chance staff (e.g., a participant is unable to attend an orientation session because she is already attending GED classes).
- 13) failure to cooperate due to symptoms of conditions for which the participant may need rehabilitation services;
- 14) failure of Department staff to correctly forward the information to JOBS Prejeet-Chance staff;
- 15) failure of the participant to cooperate because of attendance at a test or a mandatory class or function at an educational program (including college), when an education/training program is officially approved by JOBS Prejeet-Chance. When JOBS Prejeet-Chance workers know in advance of such tests and

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- mandatory classes or functions, they shall schedule JOBS Prejeet-Chance activities around them if possible;
- 16) failure of the participant due to his/her illiteracy;
  - 17) failure of the participant because it is determined that he/she should be in a different JOBS Prejeet-Chance component;
  - 18) non-receipt by the participant of a notice advising him/her of a participation requirement, if documented by the participant. Documentation can include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to the participant's last known address in Department records; return of the notice by the post office; other returned mail; proof of previous mail theft problems. When determining whether or not the participant has demonstrated non-receipt, the Department shall take into consideration a participant's history of cooperation or non-cooperation in the past. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participants;
  - 19) not accepting employment that would result in a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than cash assistance the individual was receiving at the time the offer of employment is made.
- A) Gross income includes, but is not limited to:
- i) earnings;
  - ii) unearned income; and
  - iii) cash assistance.
- B) Necessary and reasonable expenses include:
- i) all mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court ordered income withheld from earnings;
  - ii) child care costs at the Department's established rate if the individual would not be eligible for Transitional Child Care; and



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## Section 112.80(a)(19)(B) (continued)

- iii) transportation costs to get to and from employment including travel for child care at the Department's established rates;
  - 20) non-comprehension of written and/or oral English;
  - 21) failure of JOBS Prejeet-Chanee staff to make an appropriate employability assessment and/or plan;
  - 22) the individual personally provides care for a child under age six (6) and the employment would require working more than twenty-(20) hours per week;
  - 23) child care (or day care for an incapacitated individual living in the same home as a dependent child) is necessary for the participation or employment and such care is not available;
  - 24) failure to participate in a JOBS Prejeet-Chanee activity due to a scheduled job interview;
  - 25) the individual is homeless. Homeless individuals (including the family) have no current residence and no expectation of acquiring one in the next thirty-(30) days. This includes individuals residing in overnight and transitional (temporary) shelters. This does not include individuals who are sharing a residence with friends or relatives on a continuing basis;
  - 26) circumstances beyond the control of the participant which prevent the participant from completing program requirements; or
  - 27) other reasons that prevent participation that are outside of the control of the individual.
- b) The JOBS Prejeet-Chanee worker will not require a participant to document good cause for noncooperation with JOBS Prejeet-Chanee requirements unless:
- 1) the participant has failed to comply with JOBS Prejeet-Chanee requirements on at least one other occasion within a sixty-(60) day period; or
  - 2) evidence independent of the explanation of good cause casts doubt on the participant's explanation.

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## Section 112.80 (continued)

- c) No participant shall be denied good cause solely on the basis that he or she failed to notify the Department in advance of a participation requirement.
- (Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)
- Section 112.81 Responsible Relative Eligibility for JOBS Prejeet-Chanee
- Only a responsible relative with no net income because of unemployment and who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois shall be eligible for JOBS Prejeet-Chanee services. A responsible relative who is participating in the Paternal Involvement Project shall be eligible for JOBS Prejeet-Chanee.
- (Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.82 JOBS Prejeet-Chanee Supportive Services

- a) AFDC participants involved in JOBS Prejeet-Chanee are eligible to receive supportive service payments to enable them to participate in the program to the extent state resources permit and must receive supportive services if required to participate. The Department is not required to provide supportive services unless the Department requires participation.
- b) During the initial assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:
  - 1) transportation;
  - 2) child care;
  - 3) job search allowance;
  - 4) initial employment expenses;
  - 5) required books, fees, supplies; and
  - 6) required physical examinations and medical services (e.g., TB test).
- c) JOBS Prejeet-Chanee participation will not be required if supportive services are needed for effective participation but unavailable from

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## Section 112.82(c) (continued)

the Department or some other reasonably available source. Individuals may be required to make a co-payment for Transitional Child Care (see Sections 112.400 through 112.418).

- d) Surplus financial aid benefits to clients from Pell grants, scholarships from the Illinois Student Assistance Commission, loans and all other scholarships and grants are considered available to meet the education and training supportive service needs incurred by clients. Financial aid benefits will be considered available only if they are not budgeted against food stamps. Financial aid benefits are not considered available to meet child care costs. Surplus financial aid benefits are funds disbursed to clients after payment for tuition, books, fees and supplies are deducted from the clients financial aid award. Only when surplus financial aid benefits are determined insufficient to meet clients' allowable educational expenses for the academic term will financial aid benefits be supplemented by the Department.

## e) Eligible Services

## 1) Transportation

- A) If requested and required (e.g., a participant who does not have an automobile), expenses for transportation will be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled JOBS Prejeet-Chanee appointments.
- B) Transportation expenses are to be paid to permit participation in JOBS Prejeet-Chanee, including travel necessary to locate appropriate child care.
- C) Transportation expenses are to be paid to permit the participant to take a state certification examination.
- D) Payment for lodging is permitted with Department approval to allow the participant to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.
- E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.

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## Section 112.82(e)(1) (continued)

- F) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the participant's own automobile is used, 15¢ per mile will be approved, which includes all vehicle-related expenses. The maximum transportation allowance is \$300 per month.

## 2) Child Care

- A) If requested and required (e.g., when school is not in session), expenses for child care services will be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled JOBS Prejeet-Chanee appointments.
- B) Child care expenses are to be paid to permit participation in JOBS Prejeet-Chanee (see Section 112.78).
- C) Maximum rates for child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department will allow payment of an amount not to exceed the maximum rates per child as established by DCFS.

## 3) Job Search Allowance

- A) An allowance of \$20.00 a month is to be paid to individuals participating in the Job Search Component to assist in the payment of job search-related expenses.
- B) An allowance of \$10.00 a month will be paid to individuals to assist in the payment of job search-related expenses if job search activities are part of another JOBS Prejeet-Chanee component except, if the individual is scheduled at eighty-(80) hours in the Community Work Experience component or Unemployed Parent Work Experience Component and is making five (5) employer contacts each month, the allowance for job search-related expenses is \$5.00 a month.

## 4) Mandatory Fees

Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of \$100.00 per twelve



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{12} month period will be provided. No payments are allowed for tuition.

## 5) Books and Supplies

Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300.00 per twelve-{12} month period can be provided for expenses not covered by financial aid benefits.

## 6) Required Physical Examinations and Medical Services

Payment is permitted for participants to obtain required physical examinations and medical services (e.g., TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

## 7) Initial Employment Expense

A) Payment may be provided for employment expenses incurred when requested within thirty-{30} calendar days from the date employment begins. These expenses are paid on the individual's work days during a thirty-{30} calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a twelve-{12} consecutive month period. Initial Employment Expenses used for child care are excluded from the calculation of the total amount. Payment may be made to individuals employed at least twenty-{20} hours weekly on a job that is expected to last at least thirty-{30} calendar days, or employed less than twenty {20} hours weekly on a job that is expected to last at least thirty-{30} calendar days and total hours of employment plus component activity equal at least twenty {20} hours per week.

## B) These expenses include:

- i) special clothing (maximum \$200);
- ii) required tools which are not provided by the employer (maximum \$200);

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iii) repairs on an automobile (maximum \$300). The following requirements are to be met before a request for payment for repair of an automobile is approved: The client has no other available and suitable form of transportation to and from employment. The client is unable to report to the employment unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in an AFDC/AFDC-U case);

## iv) auto license plate fees;

v) auto liability insurance at the cheapest rate but not to exceed \$150 or three months coverage, whichever is less costly;

vi) transportation expenses at the most reasonable and most economical rate, whichever is less. If the participant's own car is used, 15¢ per mile shall be authorized. A maximum payment of \$3.00 per day shall be approved;

## vii) child care;

viii) physical examinations prior to employment if required and not provided by the employer;

ix) other required items related to a specific job (maximum \$300); and

x) item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.

C) Initial employment expenses will not be authorized to purchase fire arms, pay bail bonds or traffic tickets, or

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## Section 112.82(e)(7)(C) (continued)

pay relocation expenses so an individual can accept employment elsewhere.

- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services' licensed child care provider.

- f) These allowances are exempt from consideration in determining the AFDC grant amount.

## g) Ancillary Supportive Services

- 1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed and the service is available in the community at no cost to the Department, to enable them to participate in JOBS Project-Chancee:

- A) vocational rehabilitation;
  - B) emergency intervention services;
  - C) substance abuse or domestic violence programs;
  - D) life skills training activities;
  - E) family planning/sex education;
  - F) parenting skills; and
  - G) family counseling.
- 2) Child care and transportation at the Department's established rates may be provided to enable JOBS Project-Chancee participants to receive ancillary supportive services if they also participate in a component activity.
- 3) Regarding emergency intervention services, JOBS Project-Chancee staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services will be

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discussed with the participant when a review of the participant's employability plan is made.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.83 Young Parents Program

- a) Young Parents Program ("YPP" and "Program") is a JOBS Project-Chancee program for pregnant or parenting recipients under the age of 21 and who meet the criteria of Section 112.70. The Program assists participants toward self support, reduction of unwanted repeat pregnancies and attainment of optimum physical and mental health for themselves and their children. The Program offers supportive services, service payments, counseling, instruction, and brokerage to assist participants to attain their goals of education and training, develop job readiness and enhance family management, daily living, family health and personal skills needed for self-sufficiency. Participation in the Young Parents Program is considered the same as participation in JOBS Project-Chancee.

## b) Program Services

- 1) Program services are available for all Cook County residents meeting YPP eligibility requirements, except those residing in the areas served by the Southeast, Auburn Park, Roseland and South Suburban local offices. YPP participants are entitled to the same supportive services as JOBS Project-Chancee participants as described in Section 112.82. To be eligible to enroll, a person must be pregnant or a parent, under the age of 21 and a recipient of assistance from one of the following programs administered by the Department:
- A) Medical Assistance/Grant Programs (MAG);
  - i) Refugee/Repatriate Programs (RRA);
  - ii) Aid to Families with Dependent Children/Regular (AFDC-R);
  - iii) Aid to Families with Dependent Children/Unemployed Parent (AFDC-U); or
  - iv) General Assistance (GA).



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## Section 112.83(b)(1) (continued)

- B) Medical Assistance/No Grant Programs (MANG - Non-spend down):
- i) Medical Assistance to Families with Dependent Children (AFDC MANG-CR); or
  - ii) Medical Assistance to Families with Dependent Children/Unemployed Parent (AFDC MANG-CU).
- 2) A participant who attains age 21 may remain in the Program for completion of YPP service plans in effect on his or her twenty-first birthday. Upon completion of the service plan, the participant is moved to JOBS Prejeet-Chanee (see Sections 112.70 thru 112.82).

## c) YPP operates as follows:

- 1) Participation in the Program begins with attendance at a scheduled orientation session. The orientation session provides an overview of YPP and discussions of opportunities, personal goals, and the advantages of self-support, and problems of teenage parents. At orientation the participant is also advised as to the voluntary and mandatory aspects of the Program.
- 2) Following the orientation session, participants are scheduled to attend a series of three 3 half day workshops. Each half day session is conducted on a different day. Workshop participants receive information on and are afforded the opportunity to discuss topics such as birth control, education, training, nutrition, self support services, parenting, advocacy, community resources, the world of work, self-esteem and family health care. A self assessment is completed, and a literacy test is administered.
- 3) After the final workshop, an individual interview is conducted or an appointment for an interview is arranged. At the interview, the participant's interests, abilities and skills are reviewed. Together with the participant, goals and a plan of self-support will be developed. The participant is assigned to the appropriate YPP component and, based on an assessment of the participant's needs, may be referred to other appropriate services (e.g., mental health counseling, drug or alcohol abuse counseling and treatment).

## d) Assignment to YPP Component

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## Section 112.83(d) (continued)

- 1) On the basis of the interviewer's assessment of the participant's education, training and skills, the participant is assigned to one of the following YPP components: Education, Job Skills Training, Job Readiness or Job Search. Participation in each of the YPP components consists of performance of component related activities such as: enrolling in and attending school, English as a Second Language (ESL) instruction, training, or conducting a job search; and/or attending assigned group and/or individual activities.
- A) Education
    - i) Participants currently in school, those wishing to return to school, and those not in school but in need of remedial schooling (e.g., express a desire for education, cannot read or write) are assigned to the Education component. These participants are assisted in locating facilities or programs suited to their education or training needs.
    - ii) Participants that do not have the necessary English language skills (i.e., lacks ability to read, write or speak English) to obtain employment are assigned to the Education component. These participants are assisted in locating facilities or programs that will teach them English. Participants may receive educational services on-site.
    - iii) See Section 112.78(a) for a description of this component, as well as for the participation requirements.
  - B) Job Skills Training
    - i) Participants with a GED certificate or a high school diploma will be evaluated for assignment to the Job Skills Training component. They will be referred for vocational training programs such as those offered by JTPA, the city colleges, and JOBS Prejeet-Chanee if they meet the requirements of those programs.
    - ii) Participants entering YPP without a high school diploma and already enrolled in vocational training will also be required to participate in GED classes.

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## Section 112.83(d)(1)(B) (continued)

- iii) See Section 112.78(b) for a description of this component as well as for the participation requirements.

## C) Job Readiness

- i) The Job Readiness Component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

- ii) See Section 112.78(c) for a description of this component, as well as for the participation requirements.

## D) Job Search

- i) Participants in need of intensified job search skills (i.e., has never sought or held a job) or who are determined to be job ready are assigned to Job Search, which offers group, instruction, individual counseling and experiential learning to teach participants how to seek employment. A participant is determined to be job ready if an assessment of the participant demonstrates the educational background, work experience, and motivation necessary for entry into the job market. This assessment is done at the end of the three day workshop, upon completion of a YPP component, or following job club activities. Job ready participants receive JOBS Project-Change services. Participants will conduct an independent job search (IJS), monitored by YPP workers. Participants conducting independent job search will make five (5) employer contacts weekly and attend weekly IJS group sessions.

- ii) See Section 112.78(d) for a description of this component, as well as for the participation requirements.

- 2) Regardless of component assignment, participants lacking such skills as parenting, home management, daily living, problem solving or socialization will receive personal skill development

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## Section 112.83(d)(2) (continued)

as part of their component assignment. This activity consists of Parent Training/Enrichment sessions, a series of group instruction seminars and experiential learning activities, and/or Intensive Counseling.

## e) Post Secondary Education

See Section 112.78(h) for a description of this component, as well as for the participation requirements.

## f) Self-initiated Education

See Section 112.78(i) for a description of this component, as well as for the participation requirements.

- g) If a need for services other than or in addition to YPP services is determined, the participant will be assisted in obtaining necessary services or will be referred to the appropriate provider.

- h) Every three (3) months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the YPP worker shall make personal contact with the participant to review that participant's employability plan in relation to his/her needs, circumstances and progress.

- i) Every six (6) months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the YPP worker shall determine whether to continue, revise or terminate the participant's employability plan and/or component assignment.

- j) If the employability plan and/or assigned component are not suited to a participant's needs, the employability plan shall be revised with input from the participant and the YPP worker and, if necessary, the participant shall be assigned to a more suitable component.

## k) Other Considerations

- 1) If the participant is under age 21 and completes the requirements of an employability plan and/or component, the employability plan may be revised and, if necessary, the participant may be assigned to a different component.
- 2) If the participant reaches age 21 but has not yet attained his/her goal, he/she may remain an active YPP participant until



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## Section 112.83(k)(2) (continued)

completion of the goal.

1) Young Parents Program Sanction

See Section 112.79 for the Department's policy on sanctions for failure to cooperate with Young Parents Program requirements.

m) Good cause for failure to comply with Young Parents Program Participation requirements

See Section 112.80 for the Department's policy on good cause for failure to comply with Young Parents Program participation requirements.

n) Termination Of YPP Cases

YPP cases shall be terminated for any of the following reasons:

- 1) the participant no longer receives assistance through a YPP eligible public assistance program (see subsection (b)(1) above);
- 2) the participant is age 21 or over and completes all YPP plans;
- 3) the participant who is a volunteer and is exempt from participation requests YPP case cancellation;
- 4) the participant obtains full-time employment and remains employed for six (6) consecutive months;
- 5) the participant who is a volunteer and is exempt from participation elects to enroll in a program providing services similar to those offered by YPP (e.g. Parents Too Soon, Project Match);
- 6) for a period of three (3) consecutive months, the participant who is a volunteer and is exempt from participation fails without good cause, to engage in the activity or level of activity agreed upon in the YPP employability plan;
- 7) the participant moves from Cook County or a move within Cook County causes participation not to be convenient. (In such an instance, the YPP case is transferred to the appropriate JOBS Prejeet-Chanee office); or
- 8) when a participant's status changes to exempt and he/she does not wish to volunteer for YPP services.

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## Section 112.83 (continued)

o) Conciliation and Fair Hearings

See Section 112.77 for the Department's policy on Conciliation and Fair Hearings.

p) Expenses

In order to enable YPP participants to engage in YPP approved activities or to provide access to services for the treatment of physical, mental and/or substance abuse related problems for themselves and/or their children, payment requests for certain education or training expenses, initial employment expenses, job search allowance child care and/or transportation costs may be approved by YPP workers. YPP shall not duplicate payments made by other programs in which the client is participating, such as JOBS Prejeet-Chanee or JTPA.

- 1) Job Search participants will receive a weekly transportation allowance in bus tokens. The first week's tokens will be issued in advance. Subsequent issuances will be made if the participant provides names and telephone numbers of five (5) employers contacted each week.
- 2) Transportation expenses for participation in other YPP components will be paid in advance of the first two (2) weeks of scheduled participation. At the end of the month, the participant must verify his/her attendance at the scheduled sessions using a record provided by the educational or training institution or a YPP form verifying the participant's attendance. The YPP participant will be reimbursed for the least expensive available means of transportation.
- 3) Transportation expenses to provide access to services for the treatment of physical, mental, and/or substance abuse related problems for YPP participants themselves and/or their children shall be approved by YPP workers.
- 4) YPP workers shall approve initial employment expenses necessary to enable a participant to accept employment.
- 5) Education and training expenses such as books, supplies, and mandatory education fees for participants of the Education, Vocational Training, and the ESL components shall be approved by YPP workers.

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## Section 112.83(p) (continued)

- 6) In order to enable YPP participants to participate in any YPP approved activity except for employment, child care expenses will be provided.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.84 Work Experience Evaluation Project

- a) In Cook County, the Manpower Demonstration Research Corporation (MDRC) will conduct a research project to evaluate the net effect of the Work Experience component of JOBS Prejeet-Chancee. This Project will differ from the program described in Section 112.78(f) in that at the beginning of JOBS Prejeet-Chancee orientation (described in Section 112.76), new JOBS Prejeet-Chancee mandatory registrants will be randomly assigned to an Experimental or Control group by a computer program.

- b) Both Experimental and Control groups will receive the full range of JOBS Prejeet-Chancee services; however, only the Experimental group will be considered for participation with Work Experience.

- c) AFDC-U clients, JOBS Prejeet-Chancee volunteers, existing JOBS nonexempt participants Prejeet-Chancee mandatory registrants in Cook County, and all new and existing downstate JOBS nonexempt participants Prejeet-Chancee-mandatory registrants are exempt from the Evaluation Project.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.85 Four Year College/Vocational Training Demonstration Project

- a) In the Four Year College/Vocational Training Demonstration Project, the Department provides information, referral, counseling services, and supportive services to increase clients' long-term employment potential. Clients are notified by mail twice a year of the Demonstration Project and are advised to make application with JOBS Prejeet-Chancee staff within thirty-(30) days of the notice.

- b) Entry Into the Component

The assignment into the Four Year College/Vocational Training Demonstration Project is based on approval by the Department. The Department's approval shall be based on:

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## Section 112.85(b) (continued)

- 1) the eligibility criteria listed below; and
- 2) the need to ensure a statewide geographical distribution of participants in the Demonstration Project.

## c) Eligibility Criteria

In order to be eligible for the Demonstration Project, the following criteria must be satisfied.

- 1) The client possesses a high school diploma or GED certificate.
- 2) The program selected makes the client employable (see Section 112.78(a)(2)). Consideration shall be given to the time required to complete the program, as well as the overall cost and quality of the program.
- 3) The client must be enrolled in post-secondary education for which jobs will be available upon completion of training as determined by Job Service and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs and/or the placement officer at an educational institution or facility).
- 4) The client has the aptitude, ability and interest necessary for success in the particular educational or training program (as determined by such factors as test results, educational background and previous training).
- 5) The program is administered by an educational institution accredited by ISBE or the Department of Registration and Education.
- 6) The client must apply for the Pell grant and scholarships from the Illinois State Scholarship Commission, as well as any scholarships or grants identified by the education or training facility for which the registrant may be eligible.
- 7) The client must be enrolled in a full-time program unless:
  - A) a full-time program is not readily available (e.g., a full-time GED program is not available); or
  - B) a part-time program is more appropriate (e.g., the client only needs a four (4) hour course to complete his/her educational or training program).



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## Section 112.85 (continued)

## d) Participation Requirements

- 1) The client shall maintain a level of satisfactory attendance and progress as established and reported by the educational facility.
- 2) The client shall provide verification of attendance and progress (i.e., statements signed by the instructor, educational records and reports prepared at the end of the term. Additionally, if the Department is paying for child care and/or transportation to enable the client to participate in the Four Year College/Vocational Training Demonstration Project, the client must provide monthly verification of his attendance.).

## 3) Curriculum changes can be made only with the prior written

approval of the JOBS Prejeet-Chanee worker. Prior approval will be granted when the curriculum change is consistent with the written goal of the training program.

- e) Participants in the Demonstration Project will be eligible for the same supportive services accorded to clients in other education/training activities of the pre-employment component of JOBS Prejeet-Chanee (as identified at Section 112.82).

## f) Reassessment

The JOBS Prejeet-Chanee worker shall contact clients on a monthly basis if the supportive service payments identified in Section 112.82 are issued. Clients not requiring supportive service payments or receiving these payments from another source shall be contacted once each semester. Client contact consist of attendance reports, progress reports, group or individual sessions, on-site program visits and written correspondence.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: EXCHANGE PROGRAM

## Section 112.98 Exchange Program

- a) The Exchange Program develops employment opportunities for AFDC recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The

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## Section 112.98(a) (continued)

goal of the Exchange Program is to obtain jobs for AFDC recipients who might not be hired without a subsidy.

## b) Eligible Participants

- 1) AFDC mandatory and volunteer participants in JOBS Prejeet-Chanee (see Sections 112.70 through 112.82) who meet the selection criteria listed in subsection (b)(2) below are eligible to participate in the Exchange Program. Participation in the program is voluntary. An AFDC recipient who wants to participate in the Exchange Program must agree to all provisions in this Section during the time of participation in the program.

- 2) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation AFDC recipients must meet the following criteria for selection to participate in the Exchange Program:

- A) The recipient must be the parent of at least one of the children in the AFDC unit.
- B) The recipient must have completed the JOBS Prejeet-Chanee Intensive Job Search component (see Section 112.78(a)), have had a full assessment pursuant to Section 112.74, and been determined eligible to participate in other JOBS Prejeet-Chanee components (see Section 112.78).
- C) The recipient must have no income other than AFDC benefits.
- D) The recipient must be recommended for participation by the Project Chance worker. The JOBS Prejeet-Chanee worker will recommend for participation in the Exchange Program those JOBS Prejeet-Chanee participants who, based on their assessment under Section 112.74, are likely to encounter difficulty in obtaining employment (e.g., lack of skills for which jobs are available in the area, lack of work history).

- 3) Nothing in this Section should be construed as providing any recipient the right to participate in the program.

- 4) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING THE DEPARTMENT OR ANY CONTRACTOR TO PROVIDE EMPLOYEE STATUS TO ANY ELIGIBLE INDIVIDUAL TO WHOM IT PROVIDES A JOB POSITION UNDER THE EXCHANGE PROGRAM, OR WITH RESPECT TO WHOM IT PROVIDES ALL OR

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## Section 112.98(b)(4) (continued)

PART OF THE WAGES PAID TO SUCH INDIVIDUAL BY ANOTHER ENTITY UNDER SUCH PROGRAM (42 U.S.C. 1614(e)(1)).

- 5) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING THE DEPARTMENT TO PROVIDE THAT ELIGIBLE INDIVIDUALS FILLING JOB POSITIONS PROVIDED BY CONTRACTORS UNDER THE EXCHANGE PROGRAM BE PROVIDED EMPLOYEE STATUS BY SUCH ENTITY DURING THE FIRST 13 WEEKS DURING WHICH THEY FILL SUCH POSITION (42 U.S.C. 1614(e)(2)).

c) Benefits and Reporting Requirements while Participating in the Exchange Program

- 1) Participants in the Exchange Program are considered to be AFDC recipients and remain eligible for Medical Assistance for the duration of their Exchange Program participation. Child care expenses will be provided through JOBS Prejeest-Chance while the participant is employed in an Exchange Program job.
- 2) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time at the prevailing minimum wage, less applicable payroll taxes, in lieu of the cash grant.
- 3) Participants are not required to file monthly reports as a requirement for continuing eligibility. Changes in income from sources other than the Exchange Program job and/or circumstances must still be reported within five (5) days of occurrence pursuant to 89 Ill. Adm. Code 102.50.
- 4) WAGES PAID UNDER AN EXCHANGE PROGRAM SHALL BE CONSIDERED TO BE EARNED INCOME FOR PURPOSES OF ANY PROVISION OF LAW (42 U.S.C. 1614(e)(3)).

d) Duration of Program Participation

- 1) Participants may not exceed a total of nine (9) months in the Exchange Program subsidized placements regardless of the number of times an individual becomes an AFDC recipient. The period of a single assignment is dependent upon the terms of the Exchange Program contract which has been developed with the employer. Recipients will be informed of the length of the Exchange Program subsidy period prior to placement.
- 2) Participants who fail to cooperate with JOBS Prejeest-Chance program requirements (as defined in Section 112.72) or leave a

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## Section 112.98(d)(2) (continued)

supported work position without good cause (as defined in Section 112.80) are removed from the Exchange Program and become ineligible to participate in the Exchange Program at any future time. Persons who become ineligible for the Exchange Program are not sanctioned due to Exchange Program ineligibility.

e) Contracts with Employers

- 1) Employers that participate in the Exchange Program must enter into a written contract with the Department prior to receiving referrals under the Exchange Program.
- 2) Employers must be in good standing (i.e., in compliance with all applicable federal, state, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.

f) Calculation of the Diverted Grants

- 1) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Exchange Program is made. The effective date of the diverted grant is the first day of the first full month of Exchange Program wages.
- 2) Exchange Program participants are not eligible for the disregards to earned income provided in Sections 112.141 and 112.143.
- 3) Participants' grants are frozen beginning with the first full budget month which corresponds to the first full month of Exchange Program wages. The grant amount to which the participant would otherwise be entitled is diverted and used in whole or in part to pay a wage subsidy to the employer.
- 4) At the conclusion of the Exchange Program period, participants will have their grants determined using prospective budgeting until the first budget month following placement which does not include income earned while participating in the supported placement.

g) Program Completion

If the participant continues employment after the Exchange Program period, the grant is determined using prospective budgeting for two full months following termination of the Exchange Program placement.



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after which retrospective budgeting is used. If the participant is no longer eligible for AFDC benefits after the Exchange Program period, a determination of continued medical eligibility shall be made in accordance with Sections 112.330 and 112.332.

(Source: Amended at 17 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 509  
Section Numbers: 509.95 Proposed Action: Amendment  
509.220 Repeal
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking establishes the reporting requirement for horses, which bleed out-of-state, to race on lasix. Section 509.220 has been incorporated into Section 509.95.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part?  
Section 509.200 - 17 Ill. Reg. 17858, 10/15/93.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
  - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 1/18/94
  - B) Types of small business affected: None
  - C) Reporting, bookkeeping or other procedures required for compliance: None
  - D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

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## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE B: HORSE RACING

## CHAPTER I: ILLINOIS RACING BOARD

## SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 509  
MEDICATION

Section	
509.10	Purpose
509.20	Definitions
509.30	Racing Soundness Exam
509.40	Foreign Substance Banned
509.50	Twenty-four Hour Ban
509.60	Unlawful Administration
509.70	Knowing Entry of Medicated Horse Prohibited
509.75	Pharmaceutical Aids Banned
509.80	Additions to Permitted List
509.90	Permitted Use of Foreign Substances: Threshold Levels
509.95	Furosemide
509.100	Possession of Needles and Injectables Prohibited
509.110	Prescription Items - Animal Use
509.120	Possession of Drugs and Chemicals
509.130	Human Use of Substances and Hypodermic Syringes or Needles (Repealed)
509.140	Detention Barn
509.150	Test Samples
509.160	Referee Samples
509.170	Laboratory Reports and Findings
509.175	Laboratory Reports and Findings with Respect to Test Samples for Pre-Race Testing (Repealed)
509.180	Distribution of Purses
509.190	Procedures, Purses, Retention of Samples
509.195	Stewards Action on Laboratory Reports Under Pre-Race Testing (Repealed)
509.200	Trainer Responsibility
509.210	Prima Facie Evidence
509.220	Bleeders (Repealed)
509.230	Post Mortems
509.240	Penalties - Violation (Repealed)
509.250	Penalties - Failure to Guard Cases (Repealed)
509.260	Penalties - Violation of Excessive Use of Phenylbutazone (Repealed)
509.265	Penalties-Violations of Pharmaceutical Aids (Repealed)
509.270	Other Penalties
509.280	Veterinarian's Records
509.290	Offenses Occurring Prior to the Effective Date of the Rules

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AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (ILCS 1992, ch. 230, sec. 5/1 et. seq).

SOURCE: Adopted at 5 Ill. Reg. 4599, effective April 17, 1981; codified at 5 Ill. Reg. 10908; amended at 7 Ill. Reg. 1429, effective January 24, 1983; amended at 7 Ill. Reg. 15869, effective November 10, 1983; emergency amendment at 7 Ill. Reg. 16191, effective November 28, 1983; for a maximum of 150 days; amended at 8 Ill. Reg. 6094, effective April 19, 1984; amended at 8 Ill. Reg. 7002, effective May 7, 1984; amended at 11 Ill. Reg. 14424, effective August 14, 1987; amended at 11 Ill. Reg. 15492, effective September 3, 1987; amended at 14 Ill. Reg. 8186, effective May 15, 1990; amended at 20045, effective December 4, 1990; amended at 15 Ill. Reg. 11989, effective August 12, 1991; amended at 17 Ill. Reg. 3649, effective March 4, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 509.95 Furosemide

## a) Procedure

- 1) If the ~~official~~ state or association veterinarian determines that a horse is a bleeder, he shall issue a certificate of examination and ~~place~~ enter the horse's name and tattoo number on the bleeder list. The trainer shall affix the certificate of examination to the horse's foal papers or eligibility papers. A trainer who plans to race a bleeder shall indicate on the entry form that the horse races with furosemide. ~~on the entry form~~
- 2) The ~~official~~ state veterinarian or his designee shall authorize a horse which has bled in another state to race on furosemide upon presentation by the trainer of:
  - A) written certification from a ~~an official~~ state or association veterinarian in another state that a properly identified horse has bled in that state, ~~is a bleeder~~ or
  - B) publication in the official charts that the named horse bled following a race at a race track in that state.
- 3) If the certification described in sub-paragraph 2(A) above is not available at the time the named horse is entered to race



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- A) the stewards may allow the horse to race as a bleeder in that one race in which it is entered only.
- B) within ten days after said race, the trainer of said horse shall produce for the stewards or their designee written certification from a state or association veterinarian in another state that the horse has bled in that state, or a statement in an official chart that the named horse bled following a race in that state.
- C) Any purse earned by the horse in said race shall be held during said ten day period.
- D) If the trainer fails to produce the certification described in (3)(B) above, the stewards shall impose a fine, and/or suspend the trainer's license and shall redistribute the amount of any purse earned by said horse.

24) If a horse has been denominated a bleeder, it shall remain on the bleeder list and be administered furosemide prior to its races regardless of change of owner or trainer. Once on the bleeder list a horse shall be removed from the list only upon the direction of an official the state veterinarian who shall certify in writing to the Board his recommendation for removal of the horse from the list. The official veterinarian's recommendation shall be based upon his professional judgment.

## b) Administration

- 1) If a horse has been placed on the bleeder list, it shall be brought to a veterinary facility for lasix administration not less than four hours and 15 minutes prior to post time of the race in which it is entered. Said veterinary facility for lasix administration shall be provided by the racing association which shall also provide security for the facility.
- 2) The practicing A licensed veterinarian shall administer 250 mg. of furosemide intravenously to the bleeder in the presence of the state veterinarian or his designee.

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- 3) The trainer, or his licensed employee, shall remain with the horse in the veterinary facility/ witness the administration. Following the administration of lasix, the trainer of record or his designee shall immediately return the horse to its assigned stall and shall remain with the horse and provide constant surveillance in accordance with 11 Ill. Adm. Code 436.05(c).

## c) Bleeders

- 1) The bleeder list for the race meeting shall be posted in the racing secretary's office and in the state veterinarian's office at each race meeting.
- 2) The first time a horse bleeds, it shall be ineligible to race for 19 days, but may be entered prior to the 19th day. (Where there is a 72-hour entry box, a bleeder may be entered on the 16th day to race on the 19th day. Where there is a 48-hour entry box, it may be entered on the 17th day.)
- 3) A horse which bleeds for the second time in any 12-month period shall be barred from racing in Illinois for minimum of three months.
- 4) A horse which bleeds for the third time in any 12-month period shall be barred from racing in Illinois for a minimum of six months.
- 5) After the expiration of any of the above-mentioned periods, no horse may again start until it has been approved by the state veterinarian.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 509.220 Bleeders (Repealed)

- a) The bleeder list for the race meeting shall be posted in the racing secretary's office and in the state veterinarian's office at each race meeting.
- b) The first time a horse bleeds in Illinois it shall be ineligible to race for 19 days, but may be entered prior to the 19th day. (Where there is a 72-hour entry box, a bleeder may be entered on the 16th day to race on the 19th day. Where there is a 48-hour entry box, it may be entered on the 17th day.)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) A horse which is bred for the season time in any 12 month period shall be barred from racing in Illinois for a minimum of three months.
- b) A horse which is bred for the season time in any 12 month period shall be barred from racing in Illinois for a minimum of six months.
- c) After the expiration of any of the above mentioned periods, no horse may again start until it has been approved by the state veterinarian.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_)  
effective \_\_\_\_\_

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 405
- 3) Section Numbers: 405.90      Proposed Action: Amendment  
405.120
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: The amendment to Section 405.90 establishes a minimum wager price and requires all intertrack wagering locations to offer the same wager price as the organization or host. The amendment to Section 405.120 allows an organization licensee to simulcast a full race program from another state when severe weather causes the cancellation of live racing, provided no other Illinois programs are available.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 2/9/94
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:





## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Pick N Wagering Pool

2) Code Citation: 11 Ill. Adm. Code 438

<u>Section Numbers:</u>	<u>438.10</u>	<u>Proposed Action:</u>
	438.20	Repeal
	438.30	Repeal
	438.35	Repeal
	438.40	Repeal
	438.50	Repeal
	438.60	Repeal
	438.70	Repeal
	438.90	Repeal
	438.100	Repeal
	438.110	Repeal

4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.

5) A complete description of the subjects and issues involved: This rulemaking repeals the Pick "N" Wagering Pool. The rules describing the Pick (n) wager can be found in the proposed Part 308.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporation by reference? No.

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 1-18-94

B) Types of small business affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: GENERAL RULES

## PART 438

## PICK N WAGERING POOL

<u>Section</u>	<u>Pick N</u>
438.10	Entries and Fields
438.20	Pool Calculations
438.30	Scratches
438.35	Dead Heats
438.40	Sale of Tickets
438.50	Name and Notice
438.60	Cancellation of Races
438.70	Limitation on Multiple Wagers Does Not Apply (Repealed)
438.80	Disclosure
438.90	Carryover Cap
438.100	Mandatory Distribution
438.110	

AUTHORITY: Implementing and authorized by Sections 9(a),(n) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, pars. 37-9(a),(n) [230 ILCS 5/9(a) and 5/9(n)]).

SOURCE: Adopted at 14 Ill. Reg. 17633, effective October 16, 1990; amended at 15 Ill. Reg. 11996, effective August 12, 1991; amended at 16 Ill. Reg. 20164, effective December 11, 1992; repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 438.10 Pick N

A Pick N Wager combines the winners of N consecutive races, N to be the number designated by the racing association, not to exceed the number of races on the days program. All Pick N wagers will be calculated in a pool which is entirely separate from all other wagering pools. "Pick N races" shall mean the N consecutive races designated for the Pick N.

Section 438.20 Entries and Fields

Entries and fields may race in Pick N races, unless they are prohibited by other Board rules relating to other types of multiple wagering rules (11 Ill. Adm. Code 409.20). However, if any part of an entry or field is a starter in a race, the entry or field selection shall remain as the designated selection in that race and no refund or exchange of that ticket shall be permitted.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

## Section 438.30 Pool Calculations

An organization may select either of the following formats for conducting Pick N pari-mutuel pools:

## a) Daily Payout

- 1) Major Pool: Seventy-five percent (75%) of the daily net amount in the pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races.
- 2) Minor Pool: Twenty-five percent (25%) of the daily net amount in the pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the Pick N races.
- 3) At the option of the organization licensee, the percentage divisions in sub-section (a) may be fifty percent.

## b) Carryover Pool

- 1) The daily net pool plus any accumulated carryover pool, as defined in subsection (b)(2), shall be distributed equally to holders of pari-mutuel tickets which correctly designate the N official winners of the Pick N races.
  - 2) If no tickets are sold which correctly designate all N official winners of the Pick N races, seventy-five percent (75%) of the daily net pool shall be carried over and added to the next Pick N pool. This process shall be repeated each day that no ticket is sold which correctly designates all N official winners.
  - 3) If no tickets are sold which correctly designate all N official winners of the Pick N races, twenty-five percent (25%) of the daily net pool shall be distributed equally to holders of pari-mutuel tickets which correctly designate the most official winners of Pick N races.
- c) In the event of a Pick 3 wagering pool, the organization licensee shall use the following format for the Pick 3 pool:
- 1) The net amount in the Pick 3 pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the most official winners.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- 2) If no ticket is sold which correctly designates any of the official winners of the Pick 3 races, the organization shall make a complete and full refund of the Pick 3 pool.

## Section 438.35 Scratches

In the event of a scratch in any Pick N race, the betting favorite in such race shall automatically be substituted on any Pick N ticket which included the scratched horse. The betting favorite shall be defined as the starter with the most dollars wagered in the win pool. In the event of a tie, the betting favorite shall be defined as the starter with the most dollars wagered in the win pool and with the lowest post position number.

## Section 438.40 Dead Heats

If there is a dead heat for win between two or more horses in any Pick N race, all dead heat combinations shall receive the same payout amount.

## Section 438.50 Sale of Tickets

No Pick N ticket shall be sold, exchanged, or cancelled after the close of wagering on the first of the Pick N races.

## Section 438.60 Name and Notice

The organization licensee may give a different name to the Pick N form of wagering but shall notify the Board of such choice of names. Each of the Pick N races shall be clearly designated in the program. Pick N tickets shall be clearly marked to indicate the type of wager.

## Section 438.70 Cancellation of Races

If more than one-half of the number of races designated as Pick N races are cancelled or declared as no contest all Pick N tickets for that program shall be refunded and the Pick N cancelled. If one-half or fewer than one-half of the number of races designated as Pick N races are cancelled or declared as no contest, the distribution of the net amount of the Pick N pools shall be among the tickets which correctly designate the most winners in all the remaining races in such programs.

## Section 438.90 Disclosure

The organization licensee may display potential distribution to ticket holders depending on the outcome of the appropriate Pick N race.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

## Section 438.100 Carryover Cap

- a) An organization may elect to place a "cap" or limit, of at least \$50,000, on any carryover pool generated under section 438.30(b). If an organization elects to place a cap on the carryover pool it must so notify the Illinois Racing Board and advertise the same in the official program on every day the Pick N is offered.
- b) If a carryover cap is elected by the organization, the organization may elect either of the following formats for distribution of the carryover pool once the cap is reached:

- 1) On the first program following, the carryover pool shall be distributed equally to holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races; or
- 2) The carryover pool shall be distributed to holders of pari-mutuel tickets which correctly designate all official Pick N winners. If no tickets are sold which correctly designate all official winners, the carryover pool shall continue to the next race program and 100% of the daily net pool shall be distributed to holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races.

## Section 438.110 Mandatory Distribution

- a) Each organization conducting a Pick N pool shall distribute the accumulated carryover pool on the last scheduled race program of the race meeting unless the organization elects to carryover the Pick N pool to a successive or intervening race meeting at the same racetrack. In no event shall a Pick N pool be carried more than seven (7) calendar days without a race program being conducted. An organization's election to carryover a Pick N pool to a successive or intervening race meeting shall be made on the first day the Pick N is offered and shall be communicated to the Executive Director and advertised in the official program.
- b) In the event of a mandatory distribution, the net Pick N pool including any carryover pool shall be distributed equally to holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races.
- c) The Executive Director shall have the power to order a mandatory distribution prior to the last racing day of the race meeting.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Advisory Councils
- 2) Code Citation: 89 Ill. Adm. Code 515
- 3) Section Numbers:  

515.600	<u>Proposed Action:</u>
515.610	New Section
515.620	New Section
515.630	New Section
515.640	New Section
515.650	New Section

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434) [20 ILCS 2405/3] and Sections 6.23 & 8 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 6.23 and 8) [20 ILCS 5/6.23 and 8]; and Section 6 of the Head and Spinal Cord Injury Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7856) [410 ILCS 515].

5) A Complete Description of the Subjects and Issues involved: Pursuant to the Head and Spinal Cord Injury Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7856) [410 ILCS 515], DORS is required to establish the Advisory Council on Spinal Cord and Head Injuries. Therefore, DORS is promulgating these rules to establish the new advisory council.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date?  
 Yes ☐ No ☒

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives (if applicable):  
 This is not applicable to this Rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896  
TTY/TDD: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 515  
ADVISORY COUNCILS

## SUBPART A: REHABILITATION SERVICES ADVISORY COUNCIL

Section	Rehabilitation Services Advisory Council
515.100	Powers and Duties
515.110	Composition
515.120	Meetings
515.130	Terms of Membership
515.140	General Provisions
515.150	

## SUBPART B: CONSUMER ADVISORY COUNCILS

Section	Consumer Advisory Councils
515.200	

## SUBPART C: FACILITY ADVISORY COUNCILS

Section	Facility Advisory Councils
515.300	

## SUBPART D: STATEWIDE INDEPENDENT LIVING COUNCIL

Section	Statewide Independent Living Council
515.400	Composition
515.410	Meetings
515.420	Membership Terms
515.430	Powers and Duties
515.440	General Provisions
515.450	

## SUBPART E: BLIND SERVICES PLANNING COUNCIL

Section	Blind Services Planning Council
515.500	

## SUBPART F: ADVISORY COUNCIL ON SPINAL CORD AND HEAD INJURIES

515.600	Advisory Council on Spinal Cord and Head Injuries
515.610	Powers and Duties
515.620	Composition
515.630	Meetings

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

515.640 Membership Terms  
515.650 General Provisions

**AUTHORITY:** Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434) [20 ILCS 2405/3] and Sections 6.23 & 8 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 6.23 and 8) [20 ILCS 5/6.23 and 8]; and The Bureau for the Blind Act (Ill. Rev. Stat. 1989, ch. 23, par. 3411 et seq.) [20 ILCS 2410/1 et seq.]; and Section 6 of the Head and Spinal Cord Injury Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7856) [410 ILCS 515].

**SOURCE:** Adopted and codified at 7 Ill. Reg. 8127, effective June 24, 1985; amended at 8 Ill. Reg. 1975, effective February 1, 1984; amended at 12 Ill. Reg. 17942, effective October 24, 1988; amended at 15 Ill. Reg. 7211, effective April 26, 1991; emergency amendments at 17 Ill. Reg. 11589, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20278, effective November 15, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** Capitalization denotes statutory language.

## SUBPART F: ADVISORY COUNCIL ON SPINAL CORD AND HEAD INJURIES

## Section 515.600 Advisory Council on Spinal Cord and Head Injuries

The Advisory Council on Spinal Cord and Head Injuries is hereby established, and is to be maintained by DORS, for the purpose of making RECOMMENDATIONS TO THE GOVERNOR FOR DEVELOPING AND ADMINISTERING A STATE PLAN TO PROVIDE SERVICES FOR SPINAL CORD AND HEAD INJURED PERSONS.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 515.610 Powers and Duties

## THE COUNCIL SHALL:

- a) PROMOTE MEETINGS AND PROGRAMS FOR THE DISCUSSION OF REDUCING THE DEBILITATING EFFECTS OF SPINAL CORD AND HEAD INJURIES AND DISSEMINATE INFORMATION IN COOPERATION WITH ANY OTHER DEPARTMENT, AGENCY OR ENTITY ON THE PREVENTION, EVALUATION, CARE TREATMENT, AND REHABILITATION OF PERSONS AFFECTED BY SPINAL CORD AND HEAD INJURIES;

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- b) STUDY AND REVIEW CURRENT PREVENTION, EVALUATION, CARE TREATMENT AND REHABILITATION TECHNOLOGIES AND RECOMMEND APPROPRIATE PREPARATION, TRAINING, RETRAINING AND DISTRIBUTION OF MANPOWER AND RESOURCES IN THE PROVISION OF SERVICES TO SPINAL CORD AND HEAD INJURED PERSONS THROUGH PRIVATE AND PUBLIC RESIDENTIAL FACILITIES, DAY PROGRAMS, AND OTHER SPECIALIZED SERVICES;
- c) RECOMMEND SPECIFIC METHODS, MEANS AND PROCEDURES WHICH SHOULD BE ADOPTED AND UPGRADE THE STATE'S SERVICE DELIVERY SYSTEM FOR SPINAL CORD AND HEAD INJURED CITIZENS OF THIS STATE;
- d) PARTICIPATE IN DEVELOPING AND DISSEMINATING CRITERIA AND STANDARDS WHICH MAY BE REQUIRED FOR FUTURE FUNDING AND LICENSING OF FACILITIES, DAY PROGRAMS AND OTHER SPECIALIZED SERVICES FOR SPINAL CORD AND HEAD INJURED PERSONS IN THIS STATE; AND
- e) REPORT ANNUALLY TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON ITS ACTIVITIES AND ON THE RESULTS OF ITS STUDIES AND THE RECOMMENDATIONS OF THE COUNCIL.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 515.620 Composition

- a) THE COUNCIL SHALL CONSIST OF 29 MEMBERS. TWO MEMBERS SHALL BE APPOINTED BY EACH OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE SENATE. THE REMAINING 21 MEMBERS SHALL BE APPOINTED BY THE GOVERNOR WITH ADVICE AND CONSENT OF THE SENATE, as follows:

- 1) TWO NEUROSURGEONS;
- 2) TWO ORTHOPEDIC SURGEONS;
- 3) TWO REHABILITATION SPECIALISTS, ONE OF WHOM SHALL BE A REGISTERED NURSE;
- 4) FOUR PERSONS WITH HEAD INJURIES OR FAMILY MEMBERS OF PERSONS WITH HEAD INJURIES;
- 5) FOUR PERSONS WITH SPINAL CORD INJURIES OR FAMILY MEMBERS OF PERSONS WITH SPINAL CORD INJURIES;

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## 6) AND A REPRESENTATIVE OF THE FOLLOWING;

- A) AN ILLINOIS COLLEGE;
- B) HEALTH INSTITUTIONS OR PRIVATE INDUSTRY;
- C) THE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES;
- D) THE STATE BOARD OF EDUCATION;
- E) THE DEPARTMENT OF PUBLIC HEALTH;
- F) THE DEPARTMENT OF INSURANCE, AND
- G) THE DEPARTMENT OF PUBLIC AID.

Section 515.630 Meetings

- a) MEETINGS SHALL BE HELD AT LEAST EVERY 90 DAYS OR AT THE CALL OF THE COUNCIL CHAIRMAN, WHO SHALL BE ELECTED BY THE COUNCIL.
- b) EACH MEMBER SHALL BE REIMBURSED FOR REASONABLE AND NECESSARY EXPENSES ACTUALLY INCURRED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES.

Section 515.640 Membership Terms

- a) The 21 members appointed by the Governor shall serve staggered terms determined by the members by lot as follows:
  - 1) 7 ARE TO HAVE 1-YEAR TERMS;
  - 2) 7 ARE TO HAVE 2-YEAR TERMS;
  - 3) 7 ARE TO HAVE 3-YEAR TERMS.
- b) THEREAFTER, THE SUCCESSORS TO EACH OF THESE 21 MEMBERS SHALL SERVE 3-YEAR TERMS AND UNTIL THEIR SUCCESSORS ARE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.
- c) No member shall serve more than 6 consecutive years on the council.

Section 515.650 General Provisions

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- a) NO MEMBER OF THE COUNCIL MAY PARTICIPATE IN OR SEEK TO INFLUENCE A DECISION OR VOTE OF THE COUNCIL IF THE MEMBER WOULD BE DIRECTLY INVOLVED WITH THE MATTER OR IF HE OR SHE WOULD DERIVE INCOME FROM IT. A VIOLATION OF THIS PROHIBITION SHALL BE GROUNDS FOR A PERSON TO BE REMOVED AS A MEMBER OF THE COUNCIL BY THE GOVERNOR.
- b) THE COUNCIL SHALL ADOPT WRITTEN PROCEDURES TO GOVERN ITS ACTIVITIES. CONSULTANTS SHALL BE PROVIDED FOR THE COUNCIL FROM APPROPRIATIONS MADE FOR SUCH PURPOSE.
- c) THE COUNCIL SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR FOR DEVELOPING AND ADMINISTERING A STATE PLAN TO PROVIDE SERVICES FOR SPINAL CORD AND HEAD INJURED PERSONS.
- d) FROM FUNDS APPROPRIATED FOR SUCH PURPOSE, THE DEPARTMENT OF REHABILITATION SERVICES SHALL PROVIDE TO THE COUNCIL THE NECESSARY STAFF AND EXPENSES TO CARRY OUT THE DUTIES AND RESPONSIBILITIES ASSIGNED BY THE COUNCIL. SUCH STAFF SHALL CONSIST OF A DIRECTOR AND OTHER SUPPORT STAFF.



## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers:

1040.20	<u>Proposed Action</u>
	Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 2-104(b)) [625 ILCS 5/2-104(b)] and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-100 et seq.) [625 ILCS 5/6-100 et seq.].

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is proposed to reflect recent legislative changes to the Illinois Vehicle Code.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

- 9) Are there any other amendments pending on this part?

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1040.43	Amendment	18 Ill. Reg. 1797 (February 4, 1994)

- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak  
 Assistant Counsel to the Secretary  
 2701 S. Dirksen Parkway  
 Springfield, IL 62723  
 217/782-5356

## NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1040

## CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

- Section  
1040.10 Court to Forward Licenses and Reports of Convictions  
1040.20 Illinois Offense Table  
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License  
1040.30 3 or More Traffic Offenses Within 12 Months  
1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation  
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently  
1040.35 Commission of an Offense Requiring Mandatory Revocation upon Conviction  
1040.38 Commission of a Traffic Offense in Another State  
1040.40 Repeated Convictions or Collisions  
1040.41 Suspension of Licenses for Curfew Violations  
1040.42 Fleeing and Eluding  
1040.43 Illegal Transportation  
1040.46 Fatal Accident and Personal Injury Suspensions or Revocations  
1040.48 Vehicle Emission Suspensions  
1040.50 Suspension or Revocation of a License of Commercial Vehicle Driver  
1040.55 Suspension or Revocation for Driver's License Classification Violations  
1040.60 Release of Information Regarding a Disposition of Court Supervision  
1040.65 Offenses Occurring on Military Bases  
1040.66 Invalidation of a Restricted Driving Permit  
1040.70 National Driver Register  
1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card  
1040.100 Rescissions  
1040.101 Reinstatement Fees  
1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 6-2/1 et seq. and 6-700 et seq.) [625 ILCS 5/6-201 et seq. and 6-700 et seq.] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 2-104(b)) [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg.

## NOTICE OF PROPOSED AMENDMENT(S)

3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 27, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 2128, effective February 19, 1993; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1040.20 Illinois Offense Table

- a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (type action) and used as a source of information. In the absence of Statutory Amendment, the following rules shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out herein.

## 1) Classification for convictions of traffic offenses:

Type action 68:	Record History Item Only
Type action 82:	Conviction
Type action 83:	Immediate action (no points assigned)
Type action 85:	Conviction (no points assigned)
Type action 87:	Conviction (points assigned)
Type action 89:	Withdrawal (no points assigned)
Type action 93:	Immediate action bond forfeiture (no points assigned)
Type action 94:	Immediate action conviction (no points assigned)
Type action 95:	Bond forfeiture (no points assigned)
Type action 96:	Conviction (no points assigned)
Type action 97:	Bond forfeiture (points assigned)
Type action 99:	Conviction (points assigned)

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- 2) Description of Offense: The code used to describe the offense is composed of the Chapter and/or Section number of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-100 et seq.)[625 ILCS 5/11-100 et seq.], the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, par. 1-1 et seq.)[720 ILCS 5/1-1 et seq.], the Cannabis Control Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 701 et seq.)[720 ILCS 550/1 et seq.], the Illinois Controlled Substances Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 1100 et seq.) [720 ILCS 570/100 et seq.] or The Liquor Control Act of 1934 (Ill. Rev. Stat. 1991, ch. 43, par. 131(a))[235 ILCS 5/6-16(a)]. Preceding the Section number for these codes with the exception of those listed in subsection (a)(1) above, will be a single digit code to identify the specific law which will be as follows:

- 0 - Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act or The Liquor Control Act of 1934
- 1 - Illinois Vehicle Code
- 2 - Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be a "2"
- 4 - Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 4-100 et seq.)[625 ILCS 5/4-100 et seq.]
- 6 - The Illinois Driver Licensing Law
- 7 - Chicago Municipal Ordinance
- 8 - Foreign state and other (all out-of-state convictions to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be an "8")
- NOTE: The position for the single digit codes 1, 2, 6, or 8 will be symbolized by a # throughout the point table set out herein.

- 3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles per hour (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out herein).

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- 4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-206(a)(2))[625 ILCS 5/6-206(a)(2)], as well as the number of points that should be assigned to those convictions which in turn determines the length and/or type of such action.
- A) A thorough review of literature relating to the general concept of point systems utilized by other states.
- B) A specific review of point systems and ranges of point assignments utilized by other states.
- C) An exhaustive and detailed review of the current Illinois point system.
- D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.

- b) Illinois Vehicle Code, Criminal Code, The Liquor Control Act of 1934, the Cannabis Control Act and the Illinois Controlled Substances Act. The following violations of the Illinois Vehicle Code, Criminal Code, The Liquor Control Act of 1934, the Cannabis Control Act and the Illinois Controlled Substances Act will not be assigned points but will be entered on the record as type action -93- Bond forfeiture immediate action; or type action -94- conviction immediate action.

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor (Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 4-100 et seq.))[625 ILCS 5/4-100 et seq.]
4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony (Illinois Vehicle Title and Registration Law of the Illinois



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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
4-103.1	103100	4 103 01	Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 4-100 et seq.)[625 ILCS 5/4-100 et seq.]
6-101	101000	# 101 00	Motor Vehicle Anti-Theft Law, conspiracy (Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 4-100 et seq.)[625 ILCS 5/4-100 et seq.]
6-104(a)	104001	# 104 01	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	104003	# 104 03	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(d)	104004	# 104 04	Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(e)	104005	# 104 05	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)
			Violation of religious bus driver restriction (a serious traffic violation if committed in a commercial motor vehicle)

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-104(f)	104006	# 104 06	Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)
6-110(a)	110000	6 110 00	Violation of curfew law - under age of 17 ("An Act relating to a curfew for certain children" (Ill. Rev. Stat. 1991, ch. 23, pars. 2371 and 2372))[725 ILCS 555/1 and 555/2]
6-113(e)	113501	# 113 E1	Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)
6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-205(a)3	205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used
6-205(a)5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, (Ill.Rev. Stat. 1991, ch. 37, par.1-8))[705 ILCS 405/1 through 405/9] that minor

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-210(1)	210001	# 210 01	Driving during the period of suspension/revocation
6-210(2)	210002	# 210 02	Driving during the period of revocation/suspension
6-301(1)	301001	# 301 01	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit
6-301(2)	301002	# 301 02	To lend his license or permit to any other person or knowingly allow the use thereof by another
6-301(3)	301003	# 301 03	To display or represent as his own any license or permit issued to another
6-301(4)	301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent or any police officer, upon his lawful demand, any license or permit which has been suspended, revoked or cancelled
6-301(5)	301005	# 301 05	To allow any unlawful use of a license or permit issued to him
6-301(6)	301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-301.1(b)1	301121	# 301121	purpose of obtaining a driver's license or permit for some other person
6-301.1(b)2	301122	# 301122	Possess fictitious altered driver's license or permit
6-301.1(b)3	301123	# 301123	Possess/display altered fictitious driver's license or permit
6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b)8	301128	# 301128	Alter attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's license or permit
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-302(a)1	302101	# 302101	Present false information in an application for driver's license/permit
6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/permit
6-302(a)3	302103	# 302103	Make false affidavit swear or affirm falsely
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(d)	303400	# 303 D0	Second or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor while subject to disqualification or

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
8-101	008000	8000	while subject to or in violation of an "out-of-service" order
11-204	020400	# 0204 00	Failure to show proof of financial responsibility - persons who operate motor vehicles in transportation of passengers for hire
11-204.1	020401	# 0204 01	Fleeing or attempting to elude a police officer
11-401	040100	# 0401 00	Aggravated fleeing or eluding a police officer
11-402(b)	040202	# 0402 02	Leaving scene or failure to report an accident involving death or personal injury
11-406(a)	040610	# 0406 A0	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000
11-406(b)	040620	# 0406 B0	Failure to make report of vehicle accident
11-501(a)1	050111	# 0501 A1	Failure to make report of school bus accident
11-501(a)2	050112	# 0501 A2	Driving while alcohol concentration is .10 or more
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs
11-501(a)4	050114	# 0501 A4	Driving under the combined influence of alcohol and other drug or drugs
11-501(a)5	050115	# 0501 A5	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption



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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
11-501(d)1	050141	# 0501 D1	Such person committed a violation of Par. 11-501(a) for the third or subsequent time
11-501(d)2	050142	# 0501 D2	Such person committed a violation of Par. 11-501(a) while driving a school bus with children on board
11-501(d)3	050143	# 0501 D3	Such person in committing a violation of Paragraph (a) was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries
11-504	050400	# 0504 00	Drag racing
12-215(g)	221507	# 2215 07	Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill.Rev. Stat. 1991, ch. 95 1/2, par. 12-215)(b)(5) ILCS 5/12-215] without lawful authority to stop
CRIMINAL CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
9-3	009003	9 03	Reckless homicide resulting from operation of a motor vehicle
11-15.1	011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	011191	11 191	Conviction of juvenile pimping
12-5	012005	12 05	Conviction of reckless conduct

CRIMINAL CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
12-13	012013	12 13	Conviction of criminal sexual assault
12-14	012014	12 14	Conviction of aggravated criminal sexual assault
12-15	012015	12 15	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse
18-3	0018003	18 3	Conviction of vehicular hijacking
18-4	0018004	18 4	Conviction of aggravated vehicular hijacking
21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act (Ill. Rev. Stat. 1991, ch. 56-1/2, par. 22-51)) [720 ILCS 635/2] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.1	241200	241 200	Conviction of aggravated discharge of a firearm
24-1.5(b)	241500	241 5B	Conviction of reckless discharge of a firearm

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THE LIQUOR CONTROL ACT OF 1934 *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage - Liquor Control Act of 1934
704(a)	070401	704 01	Conviction for violation of 704(a) of the Cannabis Control Act concerning the possession of not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of 704(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but not more than 10 grams of any substance containing cannabis
704(c)	070403	704 03	Conviction for violation of 704(c) of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of 704(d) of the Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of 704(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis
705	00705	705 00	Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis

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CANNABIS CONTROL ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
707	00707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult
ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1401(a)	140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(c)	140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1402(a)1	014201	1402 01	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing heroin
1402(a)2	014202	1402 02	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204	1402 04	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)6	014206	1402 06	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1402(a)7	014207	1402 07	containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine
1402(a)8	014208	1402 08	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)
1402(a)9	014209	1402 09	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
1402(a)10	014210	1402 10	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone
1402(a)11	014211	1402 11	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)
1402(a)11	014211	1402 11	Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II which is not



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ILLINOIS  
CONTROLLED  
SUBSTANCES  
ACT  
\*\*\*\*\*

EDPM  
OFFENSE  
CODE  
\*\*\*\*\*

ABSTRACT  
DESCRIPTION  
CODE  
\*\*\*\*\*

DESCRIPTION OF OFFENSE  
\*\*\*\*\*

otherwise included in this  
subsection

1402(b) 014220 1402 20 Conviction for violation of 1402(b)  
of the Controlled Substances Act  
concerning the possession of any  
other amount of a controlled or  
counterfeit substance

1407 014070 1407 00 Adult delivers controlled or  
counterfeit substances to minor

1407.1 014701 1407 01 Adult uses minor to deliver  
controlled/counterfeit substances

2103 021003 21 03 Violation of the Drug Paraphernalia  
Control Act (Ill. Rev. Stat. 1991,  
ch. 56 1/2, par. 2103)[720 ILCS  
600/3] concerning the sale of  
instruments used for illegal drug  
use or abuse

## c) Illinois Vehicle Code

The following point assigned violations will be entered on the driving  
record as type action -97- Bond forfeiture or type action -99-  
conviction

IVC VIOLATION  
CODE \*\*\*\*\*

EDPM  
OFFENSE  
CODE  
\*\*\*\*\*

ABSTRACT  
DESCRIPTION  
CODE  
\*\*\*\*\*

DESCRIPTION OF OFFENSE  
\*\*\*\*\*

POINTS  
\*\*\*\*\*

6-501 501000 6 501 00 Violation of more than  
one driver's license (a  
serious traffic violation  
if committed in a commer-  
cial motor vehicle)

50

IVC VIOLATION  
CODE \*\*\*\*\*

EDPM  
OFFENSE  
CODE  
\*\*\*\*\*

ABSTRACT  
DESCRIPTION  
CODE  
\*\*\*\*\*

DESCRIPTION OF OFFENSE  
\*\*\*\*\*

POINTS  
\*\*\*\*\*

6-507(A) 507100 6 507 A0 Driving a commercial motor  
vehicle without a valid driver's  
license (a serious traffic  
violation if committed in a  
commercial motor vehicle)

11-203 020300 # 0203 00 Failure to obey lawful  
order of authorized  
officer

11-305 030500 # 0305 00 Disregarding official  
traffic control device

11-306 030600 # 0306 00 Disregarding traffic  
control light

11-308 030800 # 0308 00 Disregarding lane con-  
trol signal (a serious  
traffic violation if  
committed in a commercial  
motor vehicle)

11-309 030900 # 0309 00 Disregarding flashing  
traffic signal

11-402(a) 040201 # 0402 01 Collision involving  
damage to vehicles  
only - failure to  
stop, exchange infor-  
mation and make report

11-403 040300 # 0403 00 Failure to stop and ex-  
change information  
after motor vehicle  
collision property  
damage only

11-403 040370 # 0403 G0 Failure to stop and ex-  
change information or  
give aid after motor  
vehicle collision-per-  
sonal injury involved

## ILLINOIS REGISTER

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-604	040400	# 0404 00	Failure to notify owner after collision with un- attended vehicle or other property	15
11-502(a)	050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if commit- ted in a commercial motor vehicle)	55
11-505	050500	# 0505 00	Squealing or screeching tires	10
11-601(a)	060100	# 0601 00	Speeding too fast for con- ditions (a serious traffic violation if committed in a commercial motor vehicle)	10
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15 -25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	5

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	070100	# 0701 00	Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle)	20
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(b)	070302	# 0703 02	Failure to yield right- of-way to vehicle passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-704	070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20
11-705	070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-706	070600	# 0706 00	Driving on left side of	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
			roadway where prohibited (a serious traffic violation if committed in a commercial motor vehicle)	
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(d)	070704	# 0707 04	No passing in unincorporated areas where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	10
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	5
11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(b)	070902	# 0709 02	Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)	20
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25
11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-801	080100	# 0801 00	Improper turn at intersection	10
11-802	080200	# 0802 00	Improper U-turn	20
11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-804	080400	# 0804 00	Failure to give stop or turn signal	15
11-805	080500	# 0805 00	Improper stop or turn signal	15
11-806	080600	# 0806 00	Improper arm signal	15
11-901	090100	# 0901 00	Failure to yield right-of-way at intersection	15
11-901.1	090101	# 0901 01	Failure to yield right-of-way at T intersection	15



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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-902	090200	# 0902 00	Improper left turn with oncoming traffic	25
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or cross- walks with traffic control devices	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-905	090500	# 0905 00	Improper merging into traffic	20
11-906	090600	# 0906 00	Failure to yield right-of- way upon emerging from private road or roadway	20
11-907	090700	# 0907 00	Failure to yield right-of- way to emergency vehicle	15
11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or maintenance area	15
11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle display- ing flashing lights engaged in work upon a highway	15
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15
11-1002(a)	100201	# 1002 01	Failure to yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to a pedestrian at an inter- section	20
11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-1101	110100	# 1101 00	Improper passing of street car on the left	10
11-1102	110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20
11-1103	110300	# 1103 00	Obstructing street car traffic	5
11-1104	110400	# 1104 00	Driving through safety zone	20
11-1201	120100	# 1201 00	Failure to stop for ap- proaching railroad train or signal	20
11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20
11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	20
11-1205	120500	# 1205 00	Failure to yield right-of- way upon emerging from alley or driveway	20

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****	POINTS *****
11-1402(a)	140201	# 1402 01	Limitations on backing	10
11-1402(b)	140202	# 1402 02	Limitations on backing upon controlled access highway	20
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel - reckless driving	55
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5
11-1405	140500	# 1405 00	Motorcycle equipment violation	5
11-1412.1	141201	# 1412 01	Driving upon sidewalk (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children (a serious traffic violation if committed in a commercial motor vehicle)	25
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	10
11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadways	10
11-1505.1	150501	# 1505 01	Riding motorized pedalcycle more than two abreast on roadways	10

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE *****	POINTS *****
11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1510(b)	151020	# 1510 B0	Improper left turn on pedalcycle	10
12-201(b)	220102	# 2201 02	Head, tail or side light violation	10
12-208(a)	220801	# 2208 01	No stop lights	5
12-208(b)	220802	# 2208 02	No turn signal lights	5
12-208(c)	220803	# 2208 03	No turn signal lights on trailers or semi-trailers	5
12-301	230100	# 2301 00	Defective brakes	20
12-804	280400	# 2804 00	School bus identification and warning light violation	5
15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	15
15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	10
15-114	511400	# 5114 00	Improper pushing of another vehicle	10

d) City of Chicago Traffic Regulations - Chapter 27 of the Municipal Code of Chicago

The following point assigned violations will be entered on the driving record as type action - 97 - Bond forfeiture or type action - 99 - conviction

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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****	CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-201	201000	7 201 00	Disregarding official traffic control device	20	7-215	215000	7 215 00	Improper or illegal turn on red signal light	20
7-202	202000	7 202 00	Disregarding traffic control light	20	7-216	216000	7 216 00	Improper U-turn	10
7-203	203000	7 203 00	Disregarding flashing traffic signal	20	7-217	217000	7 217 00	Improper U-turn in Loop district	10
7-204	204000	7 204 00	Disregarding lane control light	20	7-218	218000	7 218 00	Disobeying no-turn sign	10
7-205	205000	7 205 00	Avoiding official traffic control device	20	7-219	219000	7 219 00	Driving wrong way on one-way street	5
7-210	210000	7 210 00	Driving motor-driven cycle on access roadway	10	7-220	220000	7 220 00	Driving wrong way on one-way street - restrictive period	5
7-211	211000	7 211 00	Improper traffic lane usage	20	7-221	221000	7 221 00	Disregarding stop sign at intersection	20
7-212	212000	7 212 00	Speeding too fast for conditions	10	7-222	222000	7 222 00	Failure to yield right-of-way at stop intersection	20
7-212.01	212001	7 212 01	1 - 10 MPH above limit	5	7-223	223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway	20
7-212.03	212003	7 212 03	11 - 14 MPH above limit	15					
7-212.05	212005	7 212 05	15 - 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20	7-224	224000	7 224 00	Entering intersection when traffic is obstructed	20
7-212.07	212007	7 212 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50	7-225	225000	7 225 00	Failure to observe yield right-of-way	20
7-213	213000	7 213 00	Driving below minimum speed limit	5	7-226	226000	7 226 00	Failure to stop for approaching railroad train or signal	20
7-214	214000	7 214 00	Improper turn at intersection	10	7-227	227000	7 227 00	Failure to observe bridge signal	20
					7-228	228000	7 228 00	Failure to yield right-of-way to emergency vehicles	15
					7-229	229000	7 229 00	Failure to yield right-of-way to pedestrian at intersection	20



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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-230	230000	7 230 00	Failure to yield right-of-way at intersection	15
7-231	231000	7 231 00	Failure to yield right-of-way to pedestrian	20
7-232	232000	7 232 00	Failure to yield right-of-way to equestrian	20
7-233	233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	236001	7 236 01	Improper passing on the left	20
7-236(b)	236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	237000	7 237 00	Improper passing on the right	20
7-238	238000	7 238 00	Improper passing on the left	20
7-239	239000	7 239 00	Failure to drive on right side of roadway	5
7-240	240000	7 240 00	Passing stopped school bus receiving or discharging children	25
7-241	241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	247000	7 247 00	Driving in area designated as play street	20
7-248	248000	7 248 00	Driving on sidewalk or parkway	20
7-249	249000	7 249 00	Driving through safety zone	20
7-250	250000	7 250 00	Driving in bus lane	20

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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-251	251000	7 251 00	Driving on left side of roadway where prohibited	20
7-252	252000	7 252 00	Improper backing	10
7-253	253000	7 253 00	Improper entry or exit from controlled access roadway	10
7-255	255000	7 255 00	Negligent driving	10
7-256	256000	7 256 00	Following too closely	25
7-257	257000	7 257 00	Failure to exercise due care for pedestrian	10
7-260	260000	7 260 00	Unsafe movement of vehicle from parked position	15
7-261	261000	7 261 00	Failure to give stop or turn signal	15
7-262	262000	7 262 00	Improper stop or turn signal	15
7-266	266000	7 266 00	Improper towing or pushing of vehicle	10
7-270	270000	7 270 00	Failure to drive within bus lane - bus drivers	20
7-271	271000	7 271 00	Failure to observe mass transportation vehicle regulations	20
7-278	278000	7 278 00	Illegal operation of motorcycle or motor driven cycle	10
7-342	342000	7 342 00	Defective brakes	20
7-346	346000	7 346 00	Head, tail, or side light violation	10
7-359	359000	7 359 00	Towing vehicles without bar or other safety device	10

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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-369	369000	7 369 00	Failure to notify owner after collision with unattended vehicle	25
7-402(c)	402003	7 402 03	Restricted turn signs - prohibited right or left turn	10

## e) Illinois Vehicle Code

The following violations will be entered on the driving record as type action -95- Bond forfeiture or type action -96- conviction with no point value

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of accident
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Funeral procession violation
12-201(c)	220103	# 2201 03	Registration light violation
12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
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12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-603.1	260301	# 2603 01	Violation of the seat belt act
12-712(a)	271201	# 2712 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-713(a)	271301	# 2713 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
1104	001104	# 01104 00	Violation of the Child Passenger Protection Act, (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1104)[625 ILCS 5/11-1104] child under age 4
1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act, (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1104(a))[625 ILCS 5/11-1104(a)] child age 4 but under age 6

f) City of Chicago Traffic Regulations - Chapter 27 of The Municipal Code  
of Chicago

The following violations will be entered on the driving record as type  
action -95- Bond forfeiture or type action -96- conviction with no  
point value:

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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-235	235000	7 235 00	Driving through a Funeral procession
7-246	246000	7 246 00	Crossing fire hose
7-274	274000	7 274 00	Driving in a Funeral procession
7-342.1	342001	7 342 01	Violation of seat belt act
7-347	347000	7 347 00	Spot light violation
7-348	348000	7 348 00	Other light violation
7-349	349000	7 349 00	Front red or flashing light

g) Case Review

- 1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in 92 Ill. Adm. Code 1040.
- 2) Driver control action shall be entered upon the driver's record by classification (type action).

A) Classification for driver control actions:

- |                |   |
|----------------|---|
| Type action 01 | Mandatory Revocation                        |
| Type action 02 | Discretionary Revocation                    |
| Type action 03 | Discretionary Suspension                    |
| Type action 04 | Safety Responsibility Suspension            |
| Type action 05 | Financial Responsibility Suspension         |
| Type action 06 | Unsatisfisfied Judgment Suspension          |
| Type action 07 | Mandatory Suspension                        |
| Type action 08 | Cancellation of License                     |
| Type action 09 | Mandatory Suspension                        |
| Type action 17 | Statutory Summary Suspension                |
| Type action 18 | Vehicle Emissions Suspension                |
| Type action DQ | Discretionary/Mandatory Disqualification    |
| Type action OS | Out of Service Law Enforcement History Item |

B) Description of driver control action:

The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code which provides the Secretary of State with the authority to take such action.

h) Mandatory Revocation - Type Action 01				
IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	
6-205(a)1	205101	6 205 A1	Reckless homicide	
6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof	
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle	
6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic accident involving death of personal injury - violation of Section 11-401 of The Illinois Vehicle Code	
6-205(a)5	205105	6 205 A5	Perjury under oath relating to ownership or operation of a motor vehicle	
6-205(a)6	205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period	
6-205(a)7	205107	6 205 A7	Conviction of motor vehicle theft as defined in Section 4-102	
6-205(a)8	205108	6 205 A8	Conviction of drag racing under Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code	
6-205(a)9	205109	6 205 A9	Violation of financial responsibility in operation of a motor vehicle for the purpose of hire, Chapter 8 or for rent, Chapter 9	



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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(a)10	205110	6 205 A10	Reckless conduct, Section 12-5 Illinois Criminal Code of 1961
6-205(a)11	205111	6 205 A11	Conviction of aggravated fleeing or eluding a police officer
6-205(a)12	205112	6 205 A12	Violation of Sec. 6-507(b) relating to the unlawful operation of a commercial motor vehicle
6-205(a)13	6205113	6 205 A13	A second or subsequent violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-205(c)	205300	6 205 C0	Revocation of a restricted driving permit
6-205(d)	205400	6 205 D0	Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof

1) Discretionary Revocations and Suspensions - Type Action 02 or 03

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-113(d)	113400	6 113 D0	Violation of a restriction on a license or permit
6-206(a)1	206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month period
6-206(a)3	206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	206105	6-206 A5	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)6	206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1
6-206(a)7	206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	206108	6 206 A8	Ineligible for license or permit under Section 6-103
6-206(a)9	206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, ID card or permit
6-206(a)10	206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked
6-206(a)12	206112	6 206 A12	Obtained the services of another

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-206(a)13	206113	6 206 A13	person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)14	206114	6 206 A14	Violation of Curfew Act
6-206(a)15	206115	6 206 A15	Unlawful use of license or permit under Section 6-301 or 6-301.1 or 6-301.2
6-206(a)16	206116	6 206 A16	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, pars. 100-1 et seq.) [725 ILCS 5/100-1 et seq.]
6-206(a)17	206117	6 206 A17	Violation of Section 11-204, fleeing from a police officer
6-206(a)18	206118	6 206 A18	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)19	206119	6 206 A19	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)20	206120	6 206 A20	Has violated Section 6-101 - driving without a valid license
6-206(a)21	206121	6 206 A21	Has violated Section 6-104 - driving without a proper classification on a driver's license
6-206(a)22	206122	6 206 A22	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
			Has used a motor vehicle in violation of Section 24-1(a) (3), (4), (7), or (9) of the Criminal Code of 1961

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-206(a)23	206123	6 206 A23	Has been convicted of violating Paragraph (a) of Section 11-502 for a second or subsequent time within one year
6-206(a)24	206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense which is the same or similar to an offense specified under Section 6-205 or 6-206
6-206(a)25	206125	6 206 A25	Has permitted any form of identification to be used by another in the application process in order to obtain a license, identification card or permit
6-206(a)26	206126	6 206 A26	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)27	206127	6 206 A27	Has violated Section 6-16 of the Liquor Control Act of 1934
6-206(a)28	206128	6 206 A28	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle
6-206(a)29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			used for illegal drug use or abuse while operating a motor vehicle
6-206(a)30	206130	6 206 A30	Conviction of a second or subsequent time of a sex offense and/or an offense against drug laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)
6-206(a)31	206131	6 206 A31	Refused to submit/failed test(s) as required by Section 11-501.6
6-206(a)32	206132	6 206 A32	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961
6-206(a)33	6 206 A33	6 206 A33	A violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-206(c)3	206303	6 206 C3	Conviction of an offense while holding a Restricted Driving Permit
j) Discretionary or Mandatory or 18			Suspension - Type Action 03, 07, 09, 17,
IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(c)	205300	6 205 C0	Suspension of a Restricted Driving Permit

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-303(b)	303200	6 303 B0	Driving while license or permit has been revoked or suspended
6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines-parking violations
11-406(e)	040650	1 0406 E0	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406
11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-1414(f)	141460	1 1414 F0	Failure to stop for school bus when loading or discharging passengers
13A 112(b)	311122	13A 112 B	Vehicle Emissions suspension
k) Cancellation - Type Action 08			
IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-108(1)	108001	6 108 01	Request for withdrawal of consent
6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or permit



## SECRETARY OF STATE

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application
6-201(a)5	201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)(7)	201107	6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle
6-205(c)	205300	6 205 C0	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205
6-206(c)3	206303	6 206 C3	Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206
1) Discretionary/Mandatory Disqualification - Type Action - DQ			
IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
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## Listed in the Illinois Controlled Substances Act

6-514(a)3I	514131	6 514 A31	Driving under influence of alcohol/other drug(s)
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony
6-514(b)	514200	6 514 B	Second conviction of violation Sec. 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug offense(s) using commercial motor vehicle
6-514(e)	514500	6-514 E	Conviction of 2 or more serious traffic violations within 3 years

## m) Out-Of-Service - Law Enforcement Sanction History Item - Type Action OS

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
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6-515	515000	6 515	24 Hour out-of-service order
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n) The following violations will not be assigned points but will be entered on the driving record as type action -68- record history item conviction:

DHR CONVICTION CODE *****	DESCRIPTION OF OFFENSE *****
DE 0	Defective equipment
DS 0	Disability

## ILLINOIS REGISTER

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

DHR CONVICTION CODE *****	DESCRIPTION OF OFFENSE *****
DS 1	Inability to pass one or more tests required for driver's license
EM 0	Equipment misuse
EM 1	Leaving a vehicle unattended with engine running
ER 0	Equipment regulations
ER 2	Use of equipment prohibited by law
FA 2	Violation of a motor vehicle law resulting in one's own death
FA 3	Suicide by motor vehicle
FE 0	Felony
FR 0	Financial responsibility
FR 1	Unsatisfied judgment
FR 2	Failure to meet requirements of the security following accident provisions of the Financial Responsibility Law
FR 3	Failure to file future proof of financial responsibility following conviction for violation of motor vehicle laws
FR 4	Failure to file future proof of financial responsibility as required under any other provision of the Financial Responsibility Law
FR 5	Failure to maintain required compulsory liability insurance
LI 0	Littering
MR 0	Misrepresentation contribution violation
MR 5	Obtaining or applying for a duplicate driver's license during withdrawal
MR 6	Misrepresentation of identity or other facts to avoid arrest or prosecution

## ILLINOIS REGISTER

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

DHR CONVICTION CODE *****	DESCRIPTION OF OFFENSE *****	DHR CONVICTION CODE *****
MS 0	Miscellaneous	MS 0
MS 5	Sex offense in vehicle	MS 5
RR 0	Required reports, appearances, or documents	RR 0
RR 1	Failure to file report of accident as required	RR 1
RR 2	Failure to appear for hearing or trial	RR 2
RR 3	Failure to surrender driver's license, registration, or title documents as required	RR 3
RT 0	Registration and titling	RT 0
RT 3	Misrepresentation of identity or other facts to obtain a vehicle registration or title	RT 3
RT 4	Displaying a registration or title which is invalid because of alteration, counterfeiting or withdrawal (revocation, suspension, etc.)	RT 4
RV 1	Recurrence of violations requiring mandatory action of the licensing authority as specified by law	RV 1
RV 2	Accumulation of violations resulting in mandatory action of the licensing authority because of a statutory point system	RV 2
RV 3	Accumulation of violations resulting in discretionary action by the license authority	RV 3
SC 6	Obscuring, tampering with, or illegally displaying traffic control devices, warning, or instructions	SC 6
VR 0	Violation of restriction licensing requirements	VR 0
VR 6	Allowing an unlicensed operator to drive	VR 6

## NOTICE OF PROPOSED AMENDMENT(S)

DHR  
CONVICTION  
CODE  
\*\*\*\*\*DESCRIPTION OF OFFENSE  
\*\*\*\*\*

- C 11 Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more
- C 13 Refusal to undergo such testing as is required by any State or jurisdiction
- DI 0 Driving while intoxicated violation pertaining to intoxication
- DI 1 Driving while under the intoxicating influence of alcohol, narcotics, or pathogenic drugs
- DI 2 Driving while under the intoxicating influence of medication or other substances not intended to produce intoxication as a result of normal use
- DI 3 Refusal to submit to a test for alcohol after arrest for driving while intoxicated or suspicion of intoxication
- DI 6 Impaired
- EM 7 Operating or using a vehicle without consent of the owner
- FE 1 Using a motor vehicle as the device for committing a felony
- FE 2 Using a motor vehicle in connection with a felony
- HR 4 Evading arrest by fleeing the scene of citation or roadblock
- HR 5 Evading arrest by extinguishing lights (when lights are required)
- MR 1 Misrepresentation of identity or other facts to obtain a driver's license
- MR 2 Displaying a driver's license which is invalid because of alteration, counterfeiting, or withdrawal (suspension, revocation, etc.)
- MR 3 Displaying the driver's license of another person
- MR 4 Loaning a driver's license
- SP 1 Contest racing on public traffic way

## NOTICE OF PROPOSED AMENDMENT(S)

DHR  
CONVICTION  
CODE  
\*\*\*\*\*DESCRIPTION OF OFFENSE  
\*\*\*\*\*

- VR 1 Driving while revoked
- VR 2 Driving while suspended
- VR 4 Operating contrary to conditions specified on driver's license
- VR 5 Operating without being licensed or without license required for type of vehicle operated
- p) A TA 68 or TA 82 for the following offenses, additional information will be required from the reporting state to determine if the violation if committed in Illinois would result in a immediate action points assigned or, non-points assigned. The TA 68 or TA 82 will be converted to the applicable offenses of Subsections b, c, or l of this Section, respectively.
- q) The following violations will not be assigned points but will be entered on the driving record as type action -83- conviction immediate action:
- DHR  
CONVICTION  
CODE  
\*\*\*\*\*
- C 12 Driving under the influence of alcohol, as prescribed by State law, when committed in a commercial vehicle (disqualification if committed in a commercial motor vehicle)
- C 14 Driving a commercial motor vehicle while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) (disqualification if committed in a commercial motor vehicle)
- C 16 A felony involving the use of a commercial motor vehicle, other than a felony described in C 17 (disqualification if committed in a commercial motor vehicle)



## NOTICE OF PROPOSED AMENDMENT(S)

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

C 17

The use of a commercial vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) (disqualification if committed in a commercial motor vehicle)

r) The following violations will not be assigned points but will be entered on the driving record as type action -85- conviction:

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

AC 0

Accident

AC 2

Violation of a motor vehicle law resulting in property damage

AC 3

Violation of motor vehicle law not resulting in damage to persons or property but considered an accident

AC 4

Involvement in an accident considered no indication of fault

DE 1

Operating with defective headlights

DE 3

Operating with defective muffler or exhaust system

DE 4

Operating with defective tires

DE 5

Operating with defective equipment resulting in inability to control vehicle movement properly

DI 5

Administrative per se

DS 2

Operating a motor vehicle improperly because of physical or mental disability

DS 3

Failure to discontinue operating a vehicle after onset of physical or mental disability (including uncontrollable drowsiness)

## NOTICE OF PROPOSED AMENDMENT(S)

DHR  
CONVICTION  
CODE  
\*\*\*\*\*

EM 2

Overloading vehicle with passengers or cargo

EM 4

Creating unlawful noise with vehicle or accessory

EM 5

Failure to dim lights as required

EM 6

Using a vehicle in connection with illegal activity other than a felony

ER 1

Operating without equipment required by law

FA 0

Fatality

FE 3

Using a motor vehicle to aid and abet a felon

FO 0

Following improperly

FO 3

Following an emergency vehicle unlawfully

HR 3

Leaving the scene of an accident after providing aid or identity but before arrival of police

HV 0

Conviction of multiple serious offenses resulting in a long term removal of the license

IL 0

Improper lane operation where prohibited

IL 3

Ran off road

IL 4

Driving on road shoulder, in ditch, or on sidewalk

LI 1

Depositing injurious or harmful substance on traffic way

LI 2

Throwing from vehicle any burning or smoldering substance

LI 3

Littering from a motor vehicle

MS 3

Opening vehicle closure into moving traffic or while vehicle is in motion

MS 4

Crossing fire hose with vehicle

MS 6

Unsafe operation of vehicle

RK 0

Reckless, careless, or negligent driving

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
RK 2	Operating a motor vehicle without the exercise of care and caution required to avoid danger to persons or property	
RK 3	Transporting hazardous substance without required safety devices or precautions	
RK 4	Coasting or operating with gears disengaged	
RR 4	Failure to keep driver's license or registration certificates in possession while driving or in vehicle as required	
RR 5	Operating a motor vehicle with registration plates missing, defaced or obscured	
RT 1	Operating a vehicle without registering it as required	
RT 2	Operating with expired registration	
RV 0	Repeated violations	
RW 0	Right-of-way	
RW 5	Failure to yield to school bus as required	
SC 3	Passing through or around barrier positioned to prohibit or channel traffic	
SC 4	Failure to observe warnings or instructions on vehicle properly displaying them	
SI 3	Failure to cancel directional signals after executing maneuver	
SP 5	Operating at erratic or suddenly changing speeds	
TU 0	Turns	
TU 1	Making right turn from left turn lane	
TU 2	Making left turn from right turn lane	
VR 3	Driving after license denied	
WW 0	Wrong way, side or direction	

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

s) The following point assigned violations will be entered on the driving record as type action -87- conviction:		
DHR CONVICTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
AC 1	Violation of a motor vehicle law resulting in bodily injury	25
C 15	Leaving the scene of an accident involving a commercial motor vehicle	25
C 18	Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit when operating a CMV	20
C 19	Driving a CMV in willful or wanton disregard for the safety of persons or property	55
C 20	Reckless driving, as defined by State or local law or regulation, when operating a CMV	55
C 21	Improper or erratic traffic lane changes when operating a CMV	20
C 22	Following the vehicle ahead too closely when operating a CMV	25
C 23	A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation) when operating a CMV	55
DE 2	Operating with defective brakes	20
DI 4	Illegal possession of alcohol or drugs in motor vehicle	25
EM 3	Towing or pushing vehicle improperly	10
FA 1	Violation of a motor vehicle law resulting in the death of another person	25
FO 1	Following too closely	25

## ILLINOIS REGISTER

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
FO 2	Failure of a truck to leave sufficient distance for being overtaken by another vehicle	20
HR 0	Hit and run; leaving the scene; evading arrest	25
HR 1	Failure to stop and render aid after involvement in an accident resulting in bodily injury	50
HR 2	Failure to stop and reveal identity after involvement in an accident resulting in property damage only (disqualification if committed in a commercial motor vehicle)	25
IL 1	Improper lane changing	20
IL 2	Failure to keep in proper lane	20
IL 5	Making improper entrance to or exit from traffic way	10
MS 1	Starting improperly from a parked position	15
MS 2	Improper backing	10
PA 0	Passing	10
PA 1	Passing on a hill, curve or when prohibited by posted signs or pavement markings	10
PA 2	Passing on wrong side	20
PA 3	Passing with insufficient distance allowed for other vehicles or with inadequate visibility	20
PA 4	Passing school bus taking on or discharging passengers or displaying warning not to pass	25
PA 5	Failure to signal intention to pass	15
PA 6	Failure to yield to overtaking vehicle	20
RK 1	Heedless, willful, wanton or reckless disregard of the rights and safety of others in operating a motor vehicle, endangering	55

## ILLINOIS REGISTER

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
RW 1	persons or property Failure to yield right-of-way to emergency or other authorized vehicle	15
RW 2	Failure to yield right-of-way at yield sign, after stop sign, or when emerging from private traffic way	20
RW 3	Failure to yield right-of-way in a manner required at unsigned intersection	15
RW 4	Failure to yield right-of-way to pedestrian, animal rider or animal-drawn vehicle as required	20
SC 0	Signs and control devices	20
SC 1	Failure to follow instructions of a police officer	10
SC 2	Failure to obey traffic instructions stated on traffic sign or shown by traffic control device	20
SC 5	Failure to observe safety zone	20
SI 0	Signaling intentions	15
SI 1	Failure to signal intention to change vehicle direction or to reduce speed suddenly	15
SI 2	Giving wrong signal	15
SP 0	Speeding	15
SP 2	Prima Facie speed violation for driving too fast for conditions	10
SP 3	Speed in excess of posted maximum	5
SP 4	Speed less than posted minimum	5
TU 3	Making improper turn	15



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

DHR CONVICTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
WW 1	Driving wrong way on one-way street	5
WW 2	Driving on wrong side of road	20
WW 3	Driving in wrong direction at rotary intersection	5

t) The following withdrawals will not be assigned points but will be entered on the driving record as type action -89- withdrawal:

DHR WITHDRAWAL CODE *****	DESCRIPTION OF WITHDRAWAL *****
C 11	Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more
C 13	Refusal to undergo such testing as is required by any State or jurisdiction
C 51	Disqualification for driving a CMV while the person's alcohol concentration is 0.04 percent or more
C 52	Disqualification for driving under the influence of alcohol, as prescribed by State law
C 53	Disqualification for refusal to undergo such testing as is required by any State or jurisdiction
C 54	Disqualification for driving a CMV while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))
C 55	Disqualification for leaving the scene of an accident involving a CMV
C 56	Disqualification for a felony involving the use of a CMV as in C 16
C 61	As in C 51, but involving hazardous materials

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

DHR WITHDRAWAL CODE *****	DESCRIPTION OF OFFENSE *****
C 62	As in C 52, but involving hazardous materials
C 63	As in C 53, but involving hazardous materials
C 64	As in C 54, but involving hazardous materials
C 65	As in C 55, but involving hazardous materials
C 66	As in C 56, but involving hazardous materials
C 70	Disqualification for the use of a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as in C 17
C 71	Disqualification for 2nd offense for any combination of violations as described in C 11-C 16
C 80	Disqualification of a driver who during any 3-year period is convicted of two serious traffic violations in separate incidents. Disqualification period is 60 days.
C 81	Disqualification of a driver who during any 3-year period is convicted of three serious traffic violations in separate incidents. Disqualification period is 120 days.
C 99	24 Hour Out-of-Service Order
DI 3	Refusal to submit to a test for alcohol, after arrest for driving while intoxicated or suspicion of intoxication thereof.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Driving of Motor Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 392
- 3) Section Numbers:  
392.2000  
Proposed Action  
Amend
- 4) Statutory Authority: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 through 111) [625 ILCS 5/18b-100 through 111]

5) A complete description of the subjects and issues involved:

By this Notice of Proposed Amendments, the Department proposes to update the date of incorporation by reference of 49 CFR 392 to include the federal rulemaking adopted at 58 FR 67370, December 21, 1993. By incorporating this rulemaking by reference, the Department's regulations will incorporate changes made in rulemaking Docket:

MC-90-14 [58 FR 67370, (December 21, 1993)]

Docket MC-90-14 bans the use of radar detectors in all commercial motor vehicles as defined in 92 Ill. Adm. Code 390.1020.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes. These conform to Section 5-75(a) of the Illinois Administrative Procedures Act.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This Part does not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

## By U.S. Mail:

Ms. Catherine Allen  
Regulations and Training Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
3215 Executive Park Drive  
P. O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

## By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Planning and Program Support Section; 3rd Floor  
Springfield

JCAR requests, comments and concerns regarding this proposed rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
2300 S. Dirksen Parkway, Room 30  
Springfield, Illinois 62764

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses which own or operate commercial motor vehicles.
- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional requirements are necessary for compliance with this rulemaking.
- C) Types of professional skills necessary for compliance: No new or additional requirements are necessary for compliance with this rulemaking.

The full text of this Proposed Amendment begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
 CHAPTER I: DEPARTMENT OF TRANSPORTATION  
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 392  
 DRIVING OF MOTOR VEHICLES

Section  
 392.1000 General  
 392.2000 Incorporation by Reference of 49 CFR 392

AUTHORITY: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 through 111) [625 ILCS 5/18b-100 through 111].

SOURCE: Adopted at 14 Ill. Reg. 15503, effective September 10, 1990; amended at 15 Ill. Reg. 13155, effective August 21, 1991; amended at 18 Ill. Reg. 740, effective January 11, 1994; amended at 18 Ill. Reg. 740, effective January 11, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 392.2000 Incorporation by Reference of 49 CFR 392

- a) "Driving of Motor Vehicles" (49 CFR 392) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1992, as amended at 58 FR 67370, December 21, 1993. No later amendments to or editions of 49 CFR 392 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in the FMCSR.
- c) The following addition to 49 CFR 392 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for violations of the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Motor Carrier Safety Regulations: General

2) Code Citation: 92 Ill. Adm. Code 390

3) Section Numbers:

390.1010  
 390.1020

Amend  
 Amend

Proposed Action

4) Statutory Authority: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 through 111) [625 ILCS 5/18b-100 through 111]

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to add a definition of "radar detector" at Section 390.1020. On December 21, 1993, the Federal Highway Administration issued a final rule at 58 FR 67370, December 21, 1993 which bans the use of radar detectors in all commercial motor vehicles. Elsewhere in this of the Illinois Register, the Department is proposing to amend 92 Ill. Adm. Code 392 through an incorporation by reference to prohibit the use of radar detectors in commercial motor vehicles.

The Department also proposes to amend Section 390.1010(f)(2) to correct an error which should have been corrected as part of the Department's last rulemaking. The reference to "recordkeeping" requirements should have been corrected to say "reporting" requirements.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This Part does not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

By U.S. Mail:

Ms. Catherine Allen  
Regulations and Training Unit  
Illinois Department of Transportation  
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Springfield

JCAR requests, comments and concerns regarding this proposed rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
2300 S. Dirksen Parkway, Room 300  
Springfield, Illinois 62764

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses which own or operate commercial motor vehicles.
- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional requirements are necessary for compliance with this rulemaking.
- C) Types of professional skills necessary for compliance: No new or additional requirements are necessary for compliance with this rulemaking.

The full text of this Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 390  
MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section	Purpose
390.1000	General Applicability
390.1010	Definitions
390.1020	Rules of Construction
390.1030	

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section	Incorporation by Reference
390.2000	

AUTHORITY: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law (111. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 through 111) [625 ILCS 5/18b-100 through 111].

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

Section 390.1010 General Applicability

- a) All Parts of the MCSR except for "Driving and Parking" (92 Ill. Adm. Code 397) are applicable to:
- PERSONS EMPLOYING DRIVERS, DRIVERS AND COMMERCIAL MOTOR VEHICLES WHICH TRANSPORT PROPERTY OR PASSENGERS IN INTERSTATE OR INTRASTATE COMMERCE. (Section 18b-106 of the Law)

- b) 92 Ill. Adm. Code 397 applies to any employer, employee or motor carrier engaged in the transportation of hazardous materials by a

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motor vehicle which must be marked or placarded in accordance with "Carriage by Public Highway" (49 CFR 177.823) and to:

- 1) Each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials; and
  - 2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.
- c) The provisions of 92 Ill. Adm. Code 397 do not apply to the transportation of hazardous materials cited in 92 Ill. Adm. Code 171.5, agricultural exception, when such commodities are transported from retailer to final agricultural end user, or between final end users from farm to farm in approved containers and in the amounts and manner specified.
- d) Nothing in the MCSR shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.
- e) The MCSR requires knowledge of and compliance with the following:
- 1) Every employer shall be knowledgeable of and comply with all requirements contained in the MCSR which are applicable to that motor carrier's operations.
  - 2) Every driver and employee shall comply with all applicable requirements contained in the MCSR and shall be instructed accordingly.
  - 3) All motor vehicles' equipment and accessories required by the MCSR shall be maintained in compliance with all applicable performance and design criteria also set forth in the MCSR.
- f) Except for provisions in paragraph 13-101 of the Illinois Vehicle Code [625 ILCS 5/13-101] or unless otherwise specifically provided, the requirements in the MCSR do not apply to:
- 1) All school bus operations as defined in Section 390.1020 of this Part;
  - 2) Transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has

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been approved by the Congress of the United States. The accident ~~reporting~~ recordkeeping requirements of 49 CFR 390.15 remain applicable to the entities identified in this subsection when engaged in the interstate charter transportation of passengers. (58 FR 33775, June 21, 1993)

- 3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;
- 4) The transportation of human corpses or sick and injured persons;
- 5) The operation of fire trucks and rescue vehicles while involved in emergency related operations; and
- 6) The private transportation of passengers.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 390.1020 Definitions

The following definitions apply to all Parts in the MCSR unless a specific Part expressly defines a term different than what is used below:

"Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a public road which results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle; or

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An occurrence involving only the loading or unloading of cargo; or

An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 49 CFR 571.3 by a motor carrier and is not transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR 177.823. (58 FR 6726, February 2, 1993)

"AGRICULTURAL MOVEMENTS" MEANS THE OPERATION OF A MOTOR VEHICLE OR COMBINATION OF VEHICLES CONTROLLED AND OPERATED BY A PRIVATE MOTOR CARRIER OF PROPERTY THAT IS USING THE VEHICLE TO TRANSPORT NONHAZARDOUS OR HAZARDOUS AGRICULTURAL CROP PRODUCTION FERTILIZERS OR AGRICULTURAL CHEMICALS FROM A LOCAL SOURCE OF SUPPLY TO FARM OR FIELD, OR FROM ONE FARM OR FIELD TO ANOTHER, OR FROM FARM OR FIELD BACK TO THE LOCAL SOURCE OF SUPPLY. (Section 18b-101 of the Law)

"Alcohol concentration" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. "Federal Motor Carrier Safety Regulations: General" (49 CFR 390.5, October 1, 1992)

"Bus" means any motor vehicle designed, constructed, and or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 1992)

"BUSINESS DISTRICT" MEANS THE TERRITORY CONTIGUOUS TO AND INCLUDING A HIGHWAY WHEN WITHIN ANY 600 FEET ALONG SUCH HIGHWAY THERE ARE BUILDINGS IN USE FOR BUSINESS OR INDUSTRIAL PURPOSES, INCLUDING BUT NOT LIMITED TO, HOTELS, BANKS, OR OFFICE BUILDINGS WHICH OCCUPY AT LEAST 300 FEET OF FRONTAGE ON ONE SIDE OR 300 FEET COLLECTIVELY ON BOTH SIDES OF THE HIGHWAY. (Section 1-108 of the Illinois Vehicle Code (the Code)(11. Rev. Stat. 1991, ch. 95 1/2, par. 1-108)) [625 ILCS 5/1-108].

"Charter transportation of passengers" means transportation, using a bus, or a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the vehicle, have acquired the exclusive use of the vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 1992)

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"Code" means the Illinois Vehicle Code (11. Rev. Stat. 1991, ch. 95 1/2, pars. 1-100 et seq.) [625 ILCS 5]

"COMMERCE" MEANS TRADE, COMMERCE OR TRANSPORTATION WITHIN THE STATE. (Section 18b-101(1) of the Law)

"COMMERCIAL MOTOR VEHICLE (CMV)" MEANS ANY SELF PROPELLED OR TOWED VEHICLE USED ON PUBLIC HIGHWAYS IN INTERSTATE AND INTRASTATE COMMERCE TO TRANSPORT PASSENGERS OR PROPERTY WHEN THE VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION WEIGHT RATING OF 10,001 OR MORE POUNDS; OR THE VEHICLE IS DESIGNED TO TRANSPORT MORE THAN 15 PASSENGERS, INCLUDING THE DRIVER; OR THE VEHICLE IS USED IN THE TRANSPORTATION OF HAZARDOUS MATERIALS IN A QUANTITY REQUIRING PLACARDING UNDER THE ILLINOIS HAZARDOUS MATERIALS TRANSPORTATION ACT. THIS DEFINITION SHALL NOT INCLUDE FARM MACHINERY, FERTILIZER SPREADERS, AND OTHER SPECIAL AGRICULTURAL MOVEMENT EQUIPMENT DESCRIBED IN SECTION 3-809 OF THE CODE NOR IMPLEMENTS OF HUSBANDRY AS DEFINED IN SECTION 1-130 OF THE CODE. (Section 18b-101 of the Law)

"Commercial Vehicle Inspections" means:

Level 1 - North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria. As a minimum, North American Standard Inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield glazing and wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 - Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield and wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and



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hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

Level 3 - Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report. (Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1993)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 1992)

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF TRANSPORTATION. (Section 18b-101 of the Law)

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1, 1992)

"Disabling Damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

## Exclusions:

Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

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Tire disablement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (58 FR 6726, February 2, 1993)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: Driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51(b)(2)(i)(A) or (B)) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 1992)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more set of wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 1992)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 1992)

"Emergency" means any hurricane, tornado, storm (e.g. thunderstorm, snowstorm, icestorm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, which interrupts the delivery of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a State, or their authorized representatives having authority to declare emergencies; by the Regional Director of Motor Carriers for the region in which the occurrence happens; or by other Federal, State or

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local government officials having authority to declare emergencies; or

A request by a police officer for tow trucks to move wrecked or disabled vehicles. (49 CFR 390.5, October 1, 1992)

"Emergency relief" means an operation in which a motor carrier or driver of a commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, 1992)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic;

A freight handler; and

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 1992)

"Employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

"Exempt Intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Interstate Commerce Commission (ICC) in "Commercial Zones" (49 CFR 1048), revised as of October 1, 1975. The descriptions are printed in Appendix F to the Motor Carrier Safety Regulations. A driver may be considered to operate a vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 1992)

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"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the ICC under "Miscellaneous Motor Carrier Transportation Exemptions" (49 U.S.C. 10526). "Exempt motor carriers" are subject to the requirements set forth in the Motor Carrier Safety Regulations. (49 CFR 390.5, October 1, 1992)

"FARM TO MARKET AGRICULTURAL TRANSPORTATION" MEANS THE OPERATION OF A MOTOR VEHICLE CONTROLLED AND OPERATED BY A FARMER WHO IS A PRIVATE MOTOR CARRIER OF PROPERTY; WHO IS USING THE VEHICLE TO TRANSPORT AGRICULTURAL PRODUCTS TO OR FROM A FARM OPERATED BY THE FARMER, OR TO TRANSPORT FARM MACHINERY OR FARM SUPPLIES TO OR FROM A FARM OPERATED BY THE FARMER; AND WHO IS NOT USING THE COMMERCIAL VEHICLE TO TRANSPORT HAZARDOUS MATERIALS OF A TYPE OR QUANTITY THAT REQUIRES THE VEHICLE TO BE PLACARDED IN ACCORDANCE WITH THE ILLINOIS HAZARDOUS MATERIALS TRANSPORTATION ACT. (Section 18b-101 of the Law)

"Farm machinery" -- see definition of "Special Agricultural Movement Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is --

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either --

Agricultural products, or  
Farm machinery, farm supplies, or both, to or from a farm;

Not being used in the operation of a for-hire motor carrier;

Not carrying hazardous materials of a type or quantity that required the vehicle to be placarded in accordance with 49 CFR 177.823; and

Being used within 150 air-miles of the farmer's farm.

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, 1992)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days of the accident. (58 FR 6726, February 2, 1993)

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"Federal Highway Administrator" means the chief executive of the Federal Highway Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 1992)

"FOR-HIRE" MEANS THE OPERATION OF A VEHICLE FOR COMPENSATION AND SUBJECT TO FEDERAL REGULATION BY THE INTERSTATE COMMERCE COMMISSION OR TO STATE REGULATION BY THE ILLINOIS COMMERCE COMMISSION (Section 1-124 of the Code).

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, 1992)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR 390.5, October 1, 1992)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle. (49 CFR 390.5, October 1, 1992)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 1992)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in the "Hazardous Materials Table and Hazardous Materials Communications" (49 CFR 172.101) when offered for transportation in one package, or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in 49 CFR 172.101. (49 CFR 390.5, October 1, 1992)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in

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"Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these requirements absent an interim authorization to a State under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, 1992)

"Health Care Professional" means a person who is licensed, certified, and or registered, in accordance with applicable State laws and regulations, to perform physical examinations. The term includes doctors of medicine, doctors of osteopathy, and doctors of chiropractic.

"Illinois State Police" means any individual officer of the Illinois State Police.

"IMPLEMENT OF HUSBANDRY" MEANS EVERY VEHICLE DESIGNED AND ADAPTED EXCLUSIVELY FOR AGRICULTURAL, HORTICULTURAL, OR LIVESTOCK RAISING OPERATIONS, INCLUDING FARM WAGONS, WAGON TRAILERS OR LIKE VEHICLES USED IN CONNECTION THEREWITH, OR FOR LIFTING OR CARRYING AN IMPLEMENT OF HUSBANDRY PROVIDED THAT NO FARM WAGON, WAGON TRAILER OR LIKE VEHICLE HAVING A GROSS WEIGHT OF MORE THAN 36,000 POUNDS, SHALL BE INCLUDED HEREUNDER. (Section 1-130 of the Code)

"Intermittent, casual, or occasional driver" means a driver who in any period of 7 consecutive days is employed or used as a driver by more than a single motor carrier. The qualification of such a driver shall be determined and recorded in accordance with the provisions of 49 CFR 391.63 or 391.65, as applicable. (49 CFR 390.5, October 1, 1992)

"INTERSTATE COMMERCE" MEANS TRANSPORTATION BETWEEN TWO OR MORE STATES OR TRANSPORTATION ORIGINATING IN ONE STATE AND PASSING INTO OR THROUGH OTHER STATES FOR DELIVERY IN ANOTHER STATE. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, 1992)

"Law" means the Illinois Motor Carrier Safety Law. (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 18b-100 through 111 [625 ILCS 5/18b-100 through 111])

"Motor carrier" means a for-hire motor carrier or a private motor carrier of property. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as



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employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the MCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR. 390.5, October 1, 1992)

"Motor Carrier Safety Regulations (MCSR)" means the requirements established in Parts 386, 390, 391, 392, 393, 395, 396 and 397 (49 ILL. Adm. Code: Chapter I, Subchapter d).

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5, October 1, 1992)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines recognized by all States and the providences of Canada as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced by law enforcement officers of a State or the federal government.

"Operator" -- see driver.

"Other terms" -- any other term used in the MCSR is used in its commonly accepted meaning, except where such other term has been defined elsewhere in the MCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 1, 1992)

"PERSON" MEANS ANY NATURAL PERSON OR INDIVIDUAL, GOVERNMENTAL BODY, FIRM, ASSOCIATION, PARTNERSHIP, COPARTNERSHIP, JOINT VENTURE, COMPANY, CORPORATION, JOINT STOCK COMPANY, TRUST, ESTATE OR ANY OTHER LEGAL ENTITY OR THEIR LEGAL REPRESENTATIVE, AGENT OR ASSIGNS. (Section 18b-101(5) of the Law)

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, where records required by "Minimum Levels of Financial Responsibility for Motor Carriers" (49 CFR 387), "Federal Motor Carrier Safety

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Regulations; General" (49 CFR 390) "Qualification of Drivers" (49 CFR 391), "Hours of Service of Drivers" (49 CFR 395), and "Inspection, Repair and Maintenance" (49 CFR 396) will be maintained. Provisions in the MCSR are made for maintaining certain records at locations other than the principal place of business. (58 FR 33775, June 21, 1993)

"Private motor carrier of passengers" means a person who is engaged in an enterprise and provides transportation of passengers, by motor vehicle, that is within the scope of, and in the furtherance of that enterprise. (49 CFR 390.5, October 1, 1992)

"Private motor carrier of property" means a person who provides transportation of property by motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, 1992)

"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the vehicle. (58 FR 67370, December 21, 1993)

"Regional Director" means the Regional Director, Office of Motor Carrier Safety, for a given geographical region of the United States. (49 CFR 390.5, October 1, 1992)

"Regularly employed driver" means a driver who, in any period of seven consecutive days, is employed or used as a driver solely by a single motor carrier. (49 CFR 390.5, October 1, 1992)

"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, 1992)

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"School bus" means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary of the United States Department of Transportation determines is likely to be significantly used for the purpose of transporting preprimary, primary or secondary school students to such schools from home or from such schools to home. (49 CFR 390.5, October 1, 1992)

"School bus operation" means the use of a school bus to transport only school children and school personnel from home to school and from school to home and for intrastate sanctioned school functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Special agent" - See 49 CFR Appendix B to Subchapter B of Chapter III.

"SPECIAL AGRICULTURAL MOVEMENT EQUIPMENT" MEANS A VEHICLE OF THE SECOND DIVISION HAVING A CORN SHELLER, A WELLDRIILLER, HAY PRESS, CLOVER HULLER, FEED MIXER AND UNLOADER OR OTHER FARM MACHINERY PERMANENTLY MOUNTED THEREON AND USED SOLELY FOR TRANSPORTING THE SAME, FARM WAGON TYPE TRAILERS HAVING A FERTILIZER SPREADER ATTACHMENT PERMANENTLY MOUNTED THEREON, HAVING A GROSS WEIGHT OF NOT TO EXCEED 36,000 POUNDS AND FARM WAGON TYPE TANK TRAILERS (I.E., NURSE TANKS) NOT TO EXCEED 2,000 GALLON CAPACITY. ALSO INCLUDES ANY SINGLE UNIT SELF-PROPELLED AGRICULTURAL FERTILIZER IMPLEMENT, DESIGNED FOR BOTH ON AND OFF ROAD USE, EQUIPPED WITH FLOTATION TIRES AND OTHERWISE ESPECIALLY ADAPTED FOR THE APPLICATION OF PLANT FOOD MATERIALS OR AGRICULTURAL CHEMICALS. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, 1992)

"Trailer" includes"

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing unit. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, 1992)

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"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, 1992)

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle. (49 CFR 390.5, October 1, 1992)

"Truck" means any self-propelled motor vehicle except a truck/tractor, designed and or used for the transportation of property. (49 CFR 390.5, October 1, 1992)

"Truck/tractor" means a self-propelled motor vehicle designed and or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 1992)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 1992)

"US DOT" means the United States Department of Transportation.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: ASSIGNMENT OF COMMITTED PERSONS
- 2) Code Citation: 20 Ill. Adm. Code 420
- 3) Section Numbers: 420.30  
Adopted Action: Amend
- 4) Statutory Authority: Implementing and authorized by Sections 3-2-2 and 3-6-3 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, pars. 1003-2-2 and 1003-6-3) (see P. A. 88-0311, effective August 11, 1993) [730 ILCS 5/3-2-2].
- 5) Effective Date of Rule(s) (Amendments, Repealer): February 14, 1994
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 10, 1994
- 9) Notice(s) of Proposal Published in Illinois Register:  
November 12, 1993 17 Ill. Reg. 19367  
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Will this rule (amendment, repealer) replace an emergency rule (amendment, repealer) currently in effect? Yes
- 14) Are there any amendments pending on this Part? No.

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- 15) Summary and Purpose of Rule(s) (Amendments, Repealer): This rulemaking is necessary to permanently adopt emergency amendments promulgated due to Public Act 88-0311 and to make a correction to a code citation. This rule provides for consideration of committed persons requests for placement in programs or assignments other than educational programs for which a committed person is eligible to earn good conduct credits or placement on a waiting list for such programs.
- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:  
Name: David C. Watkins, Deputy Director  
Department of Corrections  
Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
Telephone: 217/522-2666

The full text of the Adopted Rule(s) (Amendments) begins on the next page:



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT**  
**CHAPTER I: DEPARTMENT OF CORRECTIONS**  
**SUBCHAPTER d: PROGRAMS AND SERVICES**

**PART 420**  
**ASSIGNMENT OF COMMITTED PERSONS**

**Section**

- 420.10 Applicability
- 420.15 Responsibilities
- 420.20 Definitions
- 420.30 Assignment
- 420.40 Removal/Reassignment

**AUTHORITY:** Implementing and authorized by Section 3-2-2, 3-6-3, 3-8-3 and 3-10-3 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, pars. 1003-2-2, 1003-6-3, 1003-8-3 and 1003-10-3) (see P.A. 88-0311, effective August 11, 1993) [730 ILCS 5/3-2-2, 3-6-3, 3-8-3, and 3-10-3].

**SOURCE:** Adopted at 8 Ill. Reg. 14385, effective August 1, 1984; amended at 11 Ill. Reg. 11497, effective July 1, 1987; emergency amendments at 17 Ill. Reg. 16208, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994.

**Section 420.30 Assignment**

- a) Assignments of committed persons to facilities shall be in accordance with 20 Ill. Adm. Code 503.
- b) The Assignment Officer shall, within 60 days following admission for adults, or within 30 days following admission for juveniles, make a recommendation for the assignment of a committed person received at an assigned facility.
- c) Temporary assignments may be made by the Assignment Officer prior to review by the Chief Administrative Officer.
- d) Committed persons, upon request, shall be considered for placement in programs or assignments for which they are eligible to receive earned good conduct credits in accordance with 20 Ill. Adm. Code 107.Subpart F or placement on a waiting list

## DEPARTMENT OF CORRECTIONS

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if one exists. In determining eligibility for placement in such programs or assignments the Department shall consider, among other factors, the requirements for admission to the requested program or assignment, staff recommendations, administrative concerns, the safety and security of the facility or any person, and the committed person's institutional behavior, disciplinary record, educational record, projected release date, and medical and mental health status.

- de) A committed person may be given an opportunity to appear before and address the Assignment Officer whenever ~~his~~ the individual's case is being considered.
- ef) Recommendations made by the Assignment Officer shall be in writing.
- fg) All recommendations are subject to review and approval by the Chief Administrative Officer.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: IMPACT INCARCERATION PROGRAM2) Code Citation: 20 Ill. Adm. Code 4603) Section Numbers: Adopted Action:

460.12	Amend
460.20	Amend
460.30	Amend
460.80	Amend

4) Statutory Authority: Implementing and authorized by Sections 3-2-2 and 5-8-1.1 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, pars. 1003-2-2 and 1005-8-1.1 (see P. A. 88-0311, effective August 11, 1993)) [730 ILCS 5/3-2-2 amnd 5-8-1.1].5) Effective Date of Rule(s) (Amendments, Repealer): February 14, 19946) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒7) Does this rule (amendment, repealer) contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: February 10, 19949) Notice(s) of Proposal Published in Illinois Register:November 12, 1993 17 Ill. Reg. 19371  
(issue date)10) Has JC&R issued a Statement of Objections to this (these) rule(s)? No.11) Difference(s) between proposal and final version: None.12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? No changes were required.13) Will this rule (amendment, repealer) replace an emergency rule (amendment, repealer) currently in effect? Yes

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14) Are there any amendments pending on this Part? No.15) Summary and Purpose of Rule(s) (Amendments, Repealer): This rulemaking is necessary to permanently adopt emergency amendments which will expire on February 14, 1994 which were promulgated due to Public Act 88-0311 and to inform committed persons and the public that electronic monitoring may be a condition of mandatory supervised release upon completion of the impact incarceration program.16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name: David C. Watkins, Deputy Director  
 Department of Corrections  
 1301 Concordia Court  
 P. O. Box 19277  
 Springfield, Illinois 62794-9277  
 Telephone: 217/522-2666

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT**  
**CHAPTER I: DEPARTMENT OF CORRECTIONS**  
**SUBCHAPTER d: PROGRAMS AND SERVICES**

**PART 460****IMPACT INCARCERATION PROGRAM**

Section	
460.10	Applicability
460.12	Definitions
460.15	Responsibilities
460.20	Eligibility Criteria
460.30	Screening and Placement
460.40	Program Requirements
460.50	Training and Disciplinary Procedures
460.60	Program Terminations
460.70	Program Review Hearings
460.80	Successful Program Completion
460.90	Grievances

**AUTHORITY:** Implementing and authorized by Sections 3-2-2 and 5-8-1.1 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, pars. 1003-2-2 and 1005-8-1.1) (see P. A. 88-0311, effective August 11, 1993) [730 ILCS 5/3-2-2 and 5-8-1.1].

**SOURCE:** Emergency rule adopted at 14 Ill. Reg. 17084, effective September 27, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 3479, effective February 24, 1991; emergency amendments adopted at 17 Ill. Reg. 16212, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994.

**Section 460.12 Definitions**

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

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"Impact Incarceration Program" means a structured, specialized, voluntary program administered by the Department for eligible ~~youthful~~ offenders which emphasizes self-control and self-esteem through military style regimentation, physical training and labor, education, and counseling. The short-term program is offered to eligible offenders approved by the courts and accepted by the Department.

"Program" means the Impact Incarceration Program.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 460.20 Eligibility Criteria**

In order to be eligible to participate in the Impact Incarceration Program, the committed person shall:

- Be not less than 17 years of age nor more than 35 29 years of age at the time of the sentencing order.
- Not have previously participated in the impact incarceration program and shall not have previously ~~Never have~~ served more than one prior ~~a-~~ sentence of imprisonment for a felony in an adult correctional facility.
- Never-Not have been convicted of a Class X felony, first or second degree murder, armed violence, aggravated kidnapping, criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, forcible detention, or arson.
- Be sentenced to a term of imprisonment of at least 1 year but not more than 8 \$ years.
- Be physically able to participate in strenuous physical activities or labor.
- Not have any mental disorder or disability which would prevent participation in the program.
- Consent in writing to participation in the program and to the terms and conditions thereof.
- Be approved for placement in the program in the court's sentencing order.



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(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

### Section 460.30 Screening and Placement

- a) Committed persons approved by the courts shall, subject to availability of space, be screened for placement in the program at a reception and classification center or unit in accordance with 20 Ill. Adm. Code 503. Subpart A. In determining program approval of eligible committed persons, the Department may also consider, among other matters:

- 1) The committed person's criminal history, including outstanding warrants or detainers.
- 2) Whether the committed person has a history of escaping or absconding or attempting to escape or abscond.
- 3) Whether the committed person's participation in the program would pose a risk to the safety and security of any person or the facility.
- 4) The committed person's grade status.
- 5) The committed person's disciplinary record and institutional adjustment.
- 6) Availability of space in the program.
- 7) Whether the committed person has any known enemies in the program.
- 8) Whether the committed person has or agrees to obtain a suitable host site and a working telephone for placement on electronic monitoring upon successful completion of the program.

- b) The committed person shall be evaluated by a physician and mental health professional to determine whether he is physically and mentally able to participate in the program.

- c) The committed person shall sign a consent to participate in the program and to adhere to the terms and conditions of the program.

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- d) If the committed person's screening indicates the committed person is eligible for acceptance in the program, the committed person may be assigned to a correctional facility until such time as space is available in the program. In order to remain eligible for acceptance in the program, the committed person must, among other matters, maintain eligibility requirements and a positive disciplinary record and institutional adjustment while awaiting transfer to the program facility. Acceptance in the program shall not be deemed to occur until such time as the committed person is admitted to the impact incarceration program facility. The committed person may grieve a determination that he is no longer eligible for acceptance in the program in accordance with Section 460.90.

- e) Committed persons not accepted by the Department for placement in the program shall be assigned to a correctional facility to serve the sentence imposed by the sentencing court.

- f) The Department shall notify the sentencing court in writing of a committed person's acceptance in the Impact Incarceration Program.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

### Section 460.80 Successful Program Completion

- a) A committed person shall be deemed to have successfully completed the program upon completion of 120 active days of participation in the program and any extended time required to be served in the program as provided in this Part.

- b)-e) The Department shall certify in writing the committed person's successful completion of the program to the sentencing court.

- c)-h) Upon successful completion of the program, the committed person shall serve a term of mandatory supervised release. Committed persons shall be subject to a period of electronic monitoring as a condition of mandatory supervised release. Failure to maintain a suitable host site approved by the Department and a working telephone suitable for electronic monitoring may result in revocation of mandatory supervised release.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

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1) Heading of the Part: RECORDS OF COMMITTED PERSONS

2) Code Citation: 20 Ill. Adm. Code 107

3) Section Numbers: Adopted Action:

107.15	Add
107.17	Add
107.20	Amend
107.105	Add
107.107	Add
107.120	Amend
107.145	Amend
107.205	Add
107.207	Add
107.210	Amend
107.305	Add
107.307	Add
107.320	Amend
107.330	Amend
107.405	Add
107.410	Amend
107.500	Add
107.505	Add
107.510	Add
107.520	Add
107.530	Add
107.540	Add
107.550	Add
107.560	Add

4) Statutory Authority: Implementing and authorized by Sections 3-2-2 and 3-6-3 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, pars. 1003-2-2 and 1003-6-3) (see P.A. 88-0311, effective August 11, 1993 and P.A. 88-0402, effective August 20, 1993) [730 ILCS 5/3-2-2 and 3-6-3].

5) Effective Date of Rule(s) (Amendments, Repealer): February 14, 1994

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

## DEPARTMENT OF CORRECTIONS

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7) Does this rule (amendment, repealer) contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: February 10, 1994

9) Notice(s) of Proposal Published in Illinois Register:

November 12, 1993 17 Ill. Reg. 19377  
(issue date)

10) Has JCARE issued a Statement of Objections to this (these) rule(s)? No.

11) Difference(s) between proposal and final version: Sections 107.210(f) and 107.520(a)(2) have been added to clarify that habitual juvenile offenders are not eligible for meritorious good time or earned good conduct credits; previous subsections 107.520(a)(2) through (7) were renumbered accordingly; and Section 107.520(a)(4) has been reworded for clarity.

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? No changes were required.

13) Will this rule (amendment, repealer) replace an emergency rule (amendment, repealer) currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s) (Amendments, Repealer): This rulemaking is necessary to permanently adopt emergency rules which will expire on February 14, 1994 regarding earned good conduct credits; to clarify that habitual juvenile offenders are not eligible to receive earned good conduct credits or meritorious good time; to provide for blanket designees; and to update statutory citations.

16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name: David C. Watkins, Deputy Director

Department of Corrections

Address: 1301 Concordia Court

P. O. Box 19277

Springfield, Illinois 62794-9277

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS

Telephone: 217/522-2666

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

DEPARTMENT OF CORRECTIONS  
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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER I: DEPARTMENT OF CORRECTIONS  
SUBCHAPTER a: ADMINISTRATION AND RULES

PART 107  
RECORDS OF COMMITTED PERSONS  
SUBPART A: ADMISSION DOCUMENTS

Section
107.10 Applicability
107.15 Responsibilities
107.17 Definitions
107.20 Required Admission Documents

SUBPART B: DIMINUTION OF SENTENCE

Section
107.100 Applicability
107.105 Responsibilities
107.107 Definitions
107.110 Diminution of Felony Sentences
107.120 Good Time Schedules Applicable to Felony Sentences
107.130 Consecutive Sentences
107.140 Concurrent Sentences
107.145 Earned Educational Good Conduct Credits
107.150 Revocation of Statutory Good Time and Good Conduct Credits
107.160 Restoration of Statutory Good Time and Good Conduct Credits
107.170 Institution Credits (Repealed)
107.180 Misdemeanor Good Time Allowance

SUBPART C: MERITORIOUS GOOD TIME

Section
107.200 Applicability
107.205 Responsibilities
107.207 Definitions
107.210 Awarding of Meritorious Good Time



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## SUBPART D: MAINTENANCE OF RECORDS

<b>Section</b>	
107.300	Applicability
107.305	Responsibilities
107.307	Definitions
107.310	Access to Records
107.320	Disclosure of Master Record File Material for Youth Committed to the Juvenile Division - Court Agreement
107.330	Release of Clinical Records to Committed Persons and Authorized Attorneys (Adult Division) - Court Agreement
107.340	Release of Clinical Records to Committed Persons and Authorized Attorneys (Community Services Division)

### RECORD

#### SUBPART E: ACCESS AND REVIEW OF CRIMINAL HISTORY INFORMATION

<b>Section</b>	
107.400	Applicability
107.405	Responsibilities
107.410	Definitions
107.420	Right to Access and Review
107.430	Requests for Access and Review
107.440	Challenge of Record

## SUBPART F: EARNED GOOD CONDUCT CREDITS

<b>Section</b>	
107.500	Applicability
107.505	Responsibilities
107.510	Definitions
107.520	Eligibility
107.530	Goal Statements
107.540	Program Goals
107.550	Goal Periods
107.560	Award of Earned Good Conduct Credits

**AUTHORITY:** Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 3-10-1, 5-4-1, 5-8-6, and 5-8-7 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, pars.

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1003-2-2, 1003-3-2, 1003-5-1, 1003-5-2, 1003-6-3, 1003-8-1, 1003-10-1, 1005-4-1, 1005-8-6 and 1005-8-7) (see P.A. 88-0311, effective August 11, 1993 and P.A. 88-0402, effective August 20, 1993) [730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 3-10-1, 5-4-1, 5-8-6, and 5-8-7], Sections 1-7, 5-33, and 5-35 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1991, ch. 37, pars. 801-7, 805-33, and 805-35) [705 ILCS 405/1-7, 5-33, and 5-35] and Section 2 of the County Jail Good Behavior Allowance Act (Ill. Rev. Stat. 1991, ch. 75, par. 31) [730 ILCS 130/2] and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, par. 1003-7-1) [730 ILCS 5/3-7-1]. Subpart D is also implementing two Consent Decrees (Beavers vs. Sielaff, #75 C 317, N.D. Ill., 1977, and Lower vs. Franzen, #78 C 1870, N.D. Ill., 1980).

**SOURCE:** Adopted at 8 Ill. Reg. 14572, effective August 1, 1984; amended at 10 Ill. Reg. 20497, effective January 1, 1987; amended at 13 Ill. Reg. 6992, effective May 1, 1989; emergency amendment at 14 Ill. Reg. 12273, effective July 17, 1990, for a maximum of 150 days; modified in response to an objection of the Joint Committee on Administrative Rules at 14 Ill. Reg. 15600, not to exceed the 150 day time limit of the original rulemaking; amended at 14 Ill. Reg. 18461, effective November 1, 1990; emergency amendment at 14 Ill. Reg. 20074, effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5638, effective April 15, 1991; emergency amendments at 17 Ill. Reg. 16215, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994.

## SUBPART A: ADMISSION DOCUMENTS

## Section 107.15 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

## Section 107.17 Definitions

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

## Section 107.20 Required Admission Documents

- a) When a committed person is delivered to the custody of the Department, the following information must be included with items delivered pursuant to Sections 3-8-1, 3-10-1 and 5-4-1 of the Unified Code of Corrections (Ill. Rev. Stat. -1983 1991, ch. 38, pars. 1003-8-1, 1003-10-1 and 1005-4-1) [730 ILCS 5/3-8-1, 3-10-1, and 5-4-1] and Section -5-40 5-33 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. -1983 1991, ch. 37, par. -705-40 805-33) [705 ILCS 405/5-33]:

- 1) The mittimus or judgment order which must include the indictment or petition number, sentence or disposition, offense, judge's name, date of sentence, dates for time served and, where applicable, whether the sentences are to be served concurrently or consecutively. In the case of a youth committed as a delinquent, a certified copy of the court order appointing the Juvenile Division legal custodian is also required.
- 2) Any statement by the court of the basis for imposing the sentence.
- 3) Any pre-sentence reports.
- 4) The number of days, if any, which the committed person has been in custody and for which he is entitled to credit against the sentence. Certification of jail credit time shall include any time served in the custody of the Illinois Department of Mental Health and Developmental Disabilities, time served in another state or federal jurisdiction, and any time served while on probation or periodic imprisonment.
- 5) A record of the committed person's time, his behavior and conduct while in the custody of the county. Any action on the part of the committed person, including but not limited to an escape attempt, participation in a riot, suicide

## DEPARTMENT OF CORRECTIONS

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attempt, which might affect security status, and a record of medical treatment, if any, should be included in the record.

- 6) The State's Attorney's Statement of Facts. If the statement is unavailable at the time of delivery, the statement shall be transmitted within 10 days of receipt by the clerk of the court.
- 7) Any medical or mental health record or summaries.
- 8) The name of the municipality(ies) where the arrest of the committed person and the commission of the offense occurred, if such municipality(ies) has a population of more than 25,000 persons.
- 9) All additional matters which the court directs the clerk to transmit.
- b) If the required items listed in this Section are not received at the time of delivery of a committed person, admission to the Department's facilities may be denied.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

## SUBPART B: DIMINUTION OF SENTENCE

## Section 107.105 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

## Section 107.107 Definitions

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"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

Section 107.120 Good Time Schedules Applicable to Felony Sentences

- a) Statutory good time on indeterminate sentences, with reference to the minimum and maximum sentences, shall be calculated in accordance with the following table for persons sentenced prior to June 1, 1977, if the schedule contained in the table would be more beneficial than awarding day for day good conduct credits as of February 1, 1978.

Statutory Good Time Calculations for Those Sentenced Prior to June 1, 1977\*

SENTENCE	TIME TO BE SERVED
1st year	11 months
2nd year	1 year and 9 months
3rd year	2 years and 6 months
4th year	3 years and 2 months
5th year	3 years and 9 months
6th year	4 years and 3 months
7th year	4 years and 9 months
8th year	5 years and 3 months
9th year	5 years and 9 months
10th year	6 years and 3 months
11th year	6 years and 9 months
12th year	7 years and 3 months
13th year	7 years and 9 months
14th year	8 years and 3 months
15th year	8 years and 9 months
16th year	9 years and 3 months
17th year	9 years and 9 months

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18th year	10 years and 3 months
19th year	10 years and 9 months
20th year	11 years and 3 months

\*Agency Note: On the maximum sentence, six months of good time is earned for each additional sentence year.

- b) Statutory good time on indeterminate sentences, with reference to the minimum and maximum sentences, shall be calculated in accordance with the following table for all persons sentenced to the Department of Corrections on or after June 1, 1977, but prior to February 1, 1978, for establishing the time credit for that portion of the sentence which was served prior to February 1, 1978.

Statutory Good Time Calculations for Those Sentenced on or after June 1, 1977\*

SENTENCE	TIME TO BE SERVED
1st year	9 months
2nd year	1 year and 6 months
3rd year	2 years and 3 months
4th year	3 years
5th year	3 years and 9 months

\*Agency Note: Three months good time shall be earned for each additional sentence year.

- 1) For those persons whose sentences are calculated under the table in Paragraph subsection (b) of this Section, the remaining portion of the sentence served on or after February 1, 1978, shall be credited with day for day good conduct credits.
- 2) For a person who is sentenced on or after June 1, 1977, but prior to February 1, 1978, for an offense committed prior to June 1, 1977, the table in Paragraph subsection (a) of this Section shall be used if it would be more beneficial in calculating the minimum and/or maximum sentence.



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- c) Compensatory good time shall be earned on those indeterminate sentences or portions thereof which are calculated under the statutory good time tables. Compensatory good time shall normally be awarded at the rate of seven and one-half (7½) days for each month in custody. Committed persons shall receive compensatory good time on a prorated basis during the month placed in and released from custody in accordance with the following table.

## Prorated Compensatory Good Time

## INCOMING FELONS RELEASED FELONS

Day of Month Received	Days Credit	Scheduled Date of Release	Days Credit	New Release Date
2-4	6	1-4	0	1-4
5-9	5	5-9	1	4-8
10-14	4	10-14	2	8-12
15-19	3	15-19	3	12-16
20-24	2	20-24	4	16-20
25-28	1	25-28	5	20-23
29 plus	0	29 plus	6	23

- d) Committed persons shall not be eligible to receive compensatory good time against that portion of their sentence which is calculated under day for day good conduct provisions.

- 1) A committed person shall not be awarded compensatory good time for any month during which he is reported by his ~~work program~~ work or program supervisor for carelessness, negligence or refusal to work, providing such action is recommended by the facility's Adjustment Committee and approved by the Chief Administrative Officer ~~or his designee~~. No committed person shall lose any compensatory good time credits because he was unable to work or participate in a facility program through no fault of his own.

- 2) Any committed person placed in segregation or confinement for a period of three days or more during a given month pursuant to a hearing before an Adjustment Committee shall not be awarded compensatory good time for that month. However, no person shall lose compensatory good time for more than one month pursuant to such a hearing unless he is placed in

## DEPARTMENT OF CORRECTIONS

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segregation or confinement for at least 10 additional days during the second and subsequent months.

- 3) Any committed person placed on investigative status shall receive compensatory good time for that month if the investigation findings indicate that the committed person did not commit a violation.
- 4) Every committed person assigned to a community correctional center shall be credited with compensatory good time unless an Adjustment Committee finds that he has violated disciplinary rules.
- 5) Any awarded compensatory good time may not be revoked.
- e) Good conduct credits, with reference to the minimum and maximum sentences, shall be calculated by awarding one day of good conduct credit for each day served for all committed persons sentenced on or after February 1, 1978, if such credit would be more beneficial than statutory and compensatory good time credits. Determinate sentences entered on or after February 1, 1978, shall receive day for day good conduct credits.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

Section 107.145 Earned ~~Educational~~ Good Conduct Credits

Committed persons who are enrolled in full-time substance abuse programs, correctional industry assignments, or vocational or academic educational programs approved by the Department may be eligible to receive earned ~~educational~~ good conduct credits in addition to good conduct credits awarded in accordance with this Part. Earned ~~Educational~~ good conduct credits shall be awarded at the rate of .25 days prior to August 11, 1993 and earned good conduct credits shall be awarded at the rate of .50 days on or after August 11, 1993 for each day during which ~~educational~~ program goals have been achieved in accordance with 20 Ill. Adm. Code 402 Subpart 4 107 Subpart F 405

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

## SUBPART C: MERITORIOUS GOOD TIME

## Section 107.205 Responsibilities

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 107.207 Definitions**

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 107.210 Awarding of Meritorious Good Time**

- a) In determining whether or not to award good conduct credits for meritorious service, the Director may examine or consider, among other matters:
  - 1) The complete master record file of the committed person.
  - 2) Reports or recommendations made concerning the committed person.
  - 3) The fact that the committed person has not violated any rule of the Department over a period of time.
  - 4) The job performance of the committed person while in the custody of the Department.

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- 5) The educational program or achievements of the committed person while in the custody of the Department.
- 6) The action of the committed person in:
  - A) Saving the life of an employee or other committed person;
  - B) Performing heroic service during a flood, tornado, or act of God;
  - C) Volunteering for an exceptionally hazardous or dangerous assignment; or
  - D) Assisting in maintaining control during a general disturbance.
- b) The decision to grant meritorious good time may be initiated unilaterally by the Director ~~or his designee~~.
- c) In addition, petitions for granting meritorious good time may be submitted by any committed person or by any person or persons in the employ of the Department of Corrections on behalf of any committed person.
- d) No committed person shall be granted more than 180 days of meritorious good time during a term of incarceration.
- e) No persons who are committed for the following offenses shall be awarded more than 90 days of meritorious good time during a term of incarceration: first degree murder, reckless homicide while under the influence of alcohol or any other drug, aggravated kidnapping, kidnapping, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering.

f) Habitual juvenile offenders shall not be eligible for meritorious good time.

(Source: Amended at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**SUBPART D: MAINTENANCE OF RECORDS**

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Section 107.305 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

Section 107.307 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

Section 107.320 Disclosure of Master Record File Material for Youth Committed to the Juvenile Division - Court Agreement

## a) Definitions

- 1) Youth -- A person who is or has been committed to the Illinois Department of Corrections, Juvenile Division, pursuant to Section 5-10 5-33 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1985 1991, ch. 37, par. 705-10 805-33) [705 ILCS 405/5-33] or Section 5-8-6(c) of the Unified Code of Corrections (Ill. Rev. Stat. 1985 1991, ch. 38, par. 1005-8-6(c)) [730 ILCS 5/5-8-6(c)]. This Section does not apply to record access for deceased youths.

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- 2) Parent -- The natural mother or father or an adoptive parent of a youth, except a natural or adoptive parent whose parental rights have been terminated by ~~Section 5-9~~ Sections 2-29, 3-30, 4-27, or 5-31 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1985 1991, ch. 37, par. 705-9 802-29, 803-30, 804-27, or 805-31) [705 ILCS 405/2-29, 3-30, 4-27, or 5-31] or Section 17 of "An act in relation to the adoption of persons, and to repeal an act therein named" the Adoption Act (Ill. Rev. Stat. 1985 1991, ch. 40, par. 1521) [750 ILCS 50/17].
- 3) Guardian -- Individual(s) appointed by courts as guardian of the youth.
- 4) Authorized attorney -- A lawyer authorized in writing by the youth to inspect and copy his master record file; or a lawyer appointed by a court as attorney for a youth.
- 5) Records subject to inspection and copying -- This information is contained in the following documents: discharge order, face sheet, cancellation of warrants, warrants for apprehension, administrative-statewide transfer order, order of temporary transfer, dispositional order, court writs, preliminary hearing of parole violation, notice of charges, notification of alleged parole violations, police reports, report on youth's return to reception center, verification of birthdate, medical and dental records, reception center testing, academic assessments, vocational goals inventory, Department of Vocational Rehabilitation referrals, chronological recording of activities and treatment by counselor assigned, monthly staffing conference reports, physical exam, medications record, immunization cards, special concerns, consent for treatment, release of medical information, monthly progress reports, group life adjustment, daily conduct reports, achievements, summary letters to Prisoner Review Board, academic vocational progress reports, program assignment record, institutional goals and treatment plan, performance agreements, commendation reports, reports of disciplinary action, letters to and from institution requesting information, trust fund records, youth's transfer request, medical referrals, administrative memos, unusual incident reports, clinical transfer orders or action requests, authorized absence requests-approvals, correspondence, youth advocate's reports, notice of eligibility for parole, requests for special action, medical restrictions, illness and injuries record, school transcript, Prisoner Review Board sheet, official notice of parole, special orders and orders rescinding parole, clothing inventory, and personal property inventory.



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6) Records subject to inspection and copying with professional guidance -- This information is contained in the following documents: assessment and assignment report, special case review, intake worksheet, social history, chaplain's reports, psychological evaluation and classification reports, psychiatric evaluation report, clinical correspondence and clinical reports from other agencies, psychiatric reports, administrative reviews, annual reviews, special case reviews, notice of eligibility of parole-narrative progress report, diagnostic treatment note(s), and psychological consultation referral(s).

7) Information not subject to inspection and copying by a youth, a parent or a non-institutional guardian -- Information reported in records contained in a master record file, the disclosure of which a clinician certifies in writing would result in a specific harm to the youth, a parent or a non-institutional guardian.

8) Clinician -- A psychiatrist, psychologist, or physician employed by the Department of Corrections.

9) Authorized personnel of the Department -- All program or security personnel in the institutional or field services divisions of the Illinois Department of Corrections.

10) Other correctional, welfare and law enforcement agencies -- Agencies designated in writing from time to time by the Director or the Deputy Director of the Juvenile Division of the Illinois Department of Corrections subject to Section 2-8 1-7 of the Juvenile Court Act of 1987, (Ill. Rev. Stat. 1985 1991, ch. 37, par. 7-02-8 801-7) [705 ILCS 405/1-7].

11) Receiving agencies -- A Department or agency to whom custody of a youth is transferred by administrative order to the Juvenile Division or by a court order.

## b) Rights of and Limitations on Record Access

1) A youth, an authorized attorney, a parent, a guardian, personnel of other correctional, welfare or law enforcement agencies or receiving agencies may inspect and copy all records contained in the person's master record file; provided,

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A) The youth consents in writing to the inspection and copying of such records by an authorized attorney, a parent or non-institutional guardian;

B) That information not subject to inspection and copying may be deleted from records otherwise available to a youth, a parent or a non-institutional guardian in accordance with procedures established in ~~Paragraph~~ subsection (b) of this Section.

2) Authorized personnel of the Department may inspect and copy records.

3) All requests by the youth, authorized attorneys, parents and non-institutional guardians to copy or inspect file material shall be made in writing.

4) The Juvenile Division shall comply with all written requests for records subject to inspection and copying within 15 days, and with all written requests for records subject to inspection and copying with professional guidance within 30 days, upon payment of copying costs except where waived by the Department upon a showing of indigency by the youth, parent, non-institutional guardian or authorized attorney.

## c) Processing of Requests for Record Access

1) With regard to the master record files of youths in Illinois Youth Center facilities or on authorized absence from, or transferred to an Illinois Department of Mental Health and Developmental Disabilities facility from a Juvenile Division facility:

A) All written requests for inspection and copying should be directed to the Chief Administrative Officer of the Illinois Youth Center facility.

B) The youth's assigned counselor or other program staff person:

i) Will examine the records for information believed to be not subject to inspection and copying by a youth, a parent or guardian, and arrange for a clinician to review such records in accordance with procedures established in ~~Paragraph~~ subsection (c)(4) of this Section.

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- ii) Will forward copies of the records to requesting authorized attorney, parent, or non-institutional guardian upon payment or waiver of the costs; provided that where only record inspection has been requested, the requesting party shall be notified of a date, time and place at which the records may be inspected; and a youth, a parent or a non-institutional guardian will be notified of a date, time and place of a conference at which records subject to inspection and copying with professional guidance may be inspected and/or copied, and at which conference the counselor or other staff person will explain in detail the meaning of such records.

- 2) With regard to the master record files of youths currently on parole:

- A) All requests for inspection and copying should be directed to the Chief Administrative Officer of the Illinois Youth Center at St. Charles regarding male parolees and to the Chief Administrative Officer of the Illinois Youth Center at Warrenville regarding female parolees.

- B) The youth's correctional parole agent or other program staff person:

- i) Will examine the records for information believed to be not subject to inspection and copying by youth, a parent or a guardian and arrange for a clinician to review such records in accordance with procedures established in ~~Paragraph~~ subsection (c)(4) of this Section;

- ii) Will forward copies of records to the requesting youth, authorized attorney, parent or non-institutional guardian upon payment or waiver of costs; provided that where only record inspection has been requested, the requesting party shall be notified of a date, time and place at which the records may be inspected; a youth, a parent or a non-institutional guardian will be notified of a date, time and place of a conference at which records subject to inspection and copying with professional guidance may be inspected and/or copied and at which conference the correctional parole agent or other staff person will explain in detail the meaning of such records.

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- 3) With regard to the master record files of persons formerly committed to the Juvenile Division:

- A) All requests for inspection and copying should be directed to the supervisor of the microfilm center in Springfield.

- B) The supervisor will arrange for the youth's correctional parole agent or other program staff person to process the record access request as provided in ~~Paragraph~~ subsection (c)(2)(B) of this Section.

- 4) A clinician shall examine all records submitted for review. If the clinician certifies in writing that the disclosure to a youth, a parent or a non-institutional guardian of information would result in a specific harm to such individuals,

- A) The information may be deleted from records inspected and copied by the individuals who would be harmed;

- B) The clinician's certificate shall be attached to such records inspected and copied by all individuals.

- 5) The Juvenile Division shall maintain a record in each master file which indicates:

- A) The parties who have requested to inspect or copy records from the master record file;

- B) The records inspected or copied from the master record file.

- d) Before this Section of the Subpart may be modified, the Legal Staff shall be consulted. This Section was promulgated pursuant to settlement of litigation by order of the court. It may not be modified without the approval of the court.

(Source: Amended at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 107.330 Release of Clinical Records to Committed Persons and Authorized Attorneys (Adult Division) - Court Agreement**

- a) Definitions

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- 1) Committed Person -- A person who is or has been in the custody of the Illinois Department of Corrections, Adult Division.
- 2) Authorized Attorney -- Any attorney authorized in writing by the committed person to inspect and copy his clinical records.
- 3) Clinical Records -- Any mental health record prepared by a therapist in the course of providing mental health services to a committed person, which is maintained by the Department of Corrections. Clinical record does not include the therapist's personal notes, if such notes are kept in the therapist's sole possession for his own personal use and are not disclosed to any other person, except the therapist's supervisor, consulting therapist or attorney. If at any time such notes are otherwise disclosed, they shall be considered part of the committed person's record for purposes of this Section. Clinical record does not include testing material used in the course of providing services if the disclosure of such material would compromise the objectivity or fairness of the testing process.
- 4) Information not subject to inspection and copying by a committed person -- Information contained in clinical records, the disclosure of which a therapist certifies in writing is likely to result in physical harm to the committed person, other committed persons or Department employees, contractors or volunteers.
- 5) Therapist -- A psychiatrist, physician, psychologist, counselor, social worker, or nurse providing mental health services.
- 6) Mental Health Services -- Psychiatric or psychological evaluation or treatment, or pharmaceuticals, or developmental disabilities programming.
- b) Rights of and Limitations on Record Access
  - 1) A committed person or authorized attorney may have access to and copy all clinical records contained in any file maintained by the Department of Corrections, provided:
    - A) The committed person consents in writing to the access to and copying of such records by an authorized attorney; and

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- B) Information not subject to access and copying by a committed person may be deleted from records otherwise available to a committed person in accordance with procedures established in this Section.
- C) Information not subject to access and copying by a committed person shall be made available to an authorized attorney provided the attorney agrees in writing not to disclose that information to the committed person or any other person who may redisclose it to the committed person.
- 2) All requests by the committed person and authorized attorneys to inspect or copy clinical records must be made in writing and must contain a release of the Department of Corrections and its employees from any liability to the committed person as a result of disclosure and/or dissemination of the records or the information contained therein, resulting from the access permitted to the authorized attorney and/or committed person.
- 3) The Adult Division shall comply with all written requests for records:
  - A) By promptly producing copies of records after either payment of copying costs by the committed person or authorized attorney or a waiver of costs by the Department. Costs shall be waived upon a showing of the committed person's indigency. The determination of indigency shall be made promptly by the officers to whom the written request is sent, in accordance with ~~Paragraph (e) (1)~~ subsection (c)(1) of this Section; or
  - B) By promptly making the requested records available for inspection.
- c) Processing of Requests for Record Access
  - 1) All written requests:
    - A) With regard to the clinical records of committed persons currently committed to an Adult Division facility should be directed to the Chief Administrative Officer of the institution in which the person resides;
    - B) With regard to the clinical records of committed persons on authorized absence from an Adult Division facility or transferred to an Illinois



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Department of Mental Health and Developmental Disabilities facility should be directed to the Chief Administrative Officer of the institution in which the person last resided;

- C) With regard to the clinical records of committed persons currently on parole should be directed to the Chief Administrative Officer of the institution from which the person is paroled; and
- D) With regard to the clinical records of persons formerly committed to the Adult Division should be directed to the supervisor of the microfilm center in Springfield.

- 2) Upon receipt of the request for records, the records office supervisor, supervisor of the microfilm center, or a designee, shall either:
  - A) Promptly make the records available for inspection by the committed person or authorized attorney; or
  - B) Promptly forward copies of the records to the committed person or authorized attorney after payment or waiver of the costs.

- 3) The author of the reports or, if the original author is unavailable, a qualified therapist, may examine all records requested. If the author or another therapist certifies in writing that the disclosure of information to a committed person is likely to result in physical harm to committed persons or other persons:
  - A) The information may be deleted from the records disclosed to the committed person; and
  - B) The author's or therapist's certificate shall be attached to such records inspected and copied by all persons.

- C) If a document contains information certified to be likely to result in physical harm to the committed person or others, only the information so certified may be deleted from the records disclosed to the committed person.

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- 4) The Adult Division shall maintain a record in each committed person's file which indicates:
  - A) The parties who have requested to inspect or copy clinical records; and
  - B) The clinical records inspected or copied.

- d) Before this Section of the Subpart is modified, Department legal staff must be consulted. This Section was promulgated pursuant to settlement of litigation by order of the court. It may not be modified without approval of the court.

(Source: Amended at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

#### SUBPART E: ACCESS AND REVIEW OF CRIMINAL HISTORY RECORD INFORMATION

##### Section 107.405 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

##### Section 107.410 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Criminal History Record Information" means information collected by criminal justice agencies on individuals, consisting of identifiable descriptions, which include name, sex, race, date of birth, Social Security Number, State Identification

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Number, Federal Bureau of Investigation (FBI) Number, and other information used to determine the subject of the Transcript; notations of arrests, detentions, indictments, informations, or other formal criminal charges and any disposition arising therefrom; sentencing; and correctional supervision and release; but does not include juvenile history information, unless the juvenile was tried as an adult.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

(Source: Amended at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**SUBPART F: EARNED GOOD CONDUCT CREDITS****Section 107.500 Applicability**

This Part applies to the Adult, Juvenile, and Community Services Divisions of the Department.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 107.505 Responsibilities**

- a) Unless otherwise specified, the Director, Chief Administrative Officer, or program administrator may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a rule in this Subpart specifically states the Director, Chief Administrative Officer, or program administrator shall personally perform the duties. However, the Director, Chief Administrative Officer or program administrator may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 107.510 Definitions**

- a) Committed persons who, on or after August 11, 1993, are engaged full-time in substance abuse programs, correctional industry assignments, or academic or vocational education programs approved by the Department shall be eligible to receive earned good conduct provided:

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"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Correctional Industry assignments" means work assignments in or job training conducted by Correctional Industries.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Educational programs" means courses of academic and vocational instruction offered to persons committed to the Adult and Juvenile Divisions as approved by School District #428; or courses of academic and vocational instruction approved by the Department.

"Instructional day" means a day in which instruction is provided.

"Mental health unit" means the Menard Psychiatric Center or the Dwight Mental Health Unit.

"Program administrator" means the Department persons designated by the Chief Administrative Officer to be responsible for determining satisfactory participation in programs subject to earned good conduct credits.

"Sentence of imprisonment for a felony" means one continuous period or term of incarceration for commission of one or more felonies, provided that each felony was committed prior to the offender's commitment to the Department.

"Substance abuse program" means a program approved by the Department consisting of counseling, education, or treatment for drug or alcohol abuse.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 107.520 Eligibility**

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- 1) They are eligible to receive good time in accordance with 20 Ill. Adm. Code 107.Subpart B;
  - 2) They are not committed as habitual juvenile offenders;
  - 3) They are not assigned to a boot camp or electronic detention program or a mental health unit;
  - 4) They are not serving a sentence for first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or attempt, solicitation, or conspiracy to commit any of the foregoing offenses;
  - 5) They have not been convicted of a felony committed after they have received a previous award of educational or earned good conduct credits;
  - 6) They have not previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility;
  - 7) They achieve the goals established by the Department within a specified time period; and
  - 8) They are not removed from the program for failure to comply with program requirements or for disciplinary reasons.
- b) Full-time assignment to a program for which a committed person may be eligible to receive earned good conduct credits shall mean:
- 1) The committed person is housed at a residential substance abuse program facility or unit or is normally scheduled to participate in substance abuse programming at least 15 hours a week;
  - 2) The committed person is normally scheduled to work with or receive job training from correctional industries at least four hours a day, five days per week; or
  - 3) The committed person is a student enrolled in an educational program that has classes that are normally scheduled to meet a minimum of 15 hours a

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week; or the committed person is enrolled in college academics for a minimum of six credit hours per module or 12 credit hours per semester.

- c) Committed persons shall only be eligible to receive earned good conduct credits for participation in one full-time program or assignment at a time.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 107.530 Goal Statements**

- a) Program goals (see Section 107.540) shall be established in writing by the program administrator for committed persons who are eligible to receive earned good conduct credits and shall be signed by the committed person.
- b) The goal statement shall include the goal period and the goals the committed person is expected to achieve.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 107.540 Program Goals**

- a) Program goals may include, but not be limited to, one or more of the following:
  - 1) Active participation in the program as demonstrated by being attentive, responsive, cooperative, and maintaining institutional behavioral standards;
  - 2) Adherence to attendance requirements;
  - 3) Achievement of a specified grade level;
  - 4) Attainment of a GED certificate or a specific number of high school or college credits;
  - 5) Maintaining a certain grade;
  - 6) Achievement of specified skills;
  - 7) Achievement of a specified production level;



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- 8) Attendance at individual, group, or family substance abuse counseling;
- 9) Pass a substance abuse education program final; or
- 10) Pass a substance abuse test, such as a urinalysis, for the detection of the presence of drugs or alcohol.
- b) Goals may, with the approval of the program administrator or the Chief Administrative Officer, be revised in writing and signed by the committed person if it is determined that the original goals need to be revised based, among other matters, on a reassessment of the committed person's level of competency or ability or program changes. However, the goal period may not be changed except as provided in Section 107.550.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 107.550 Goal Periods**

- a) The goal period for persons committed in the Adult and Juvenile Divisions who are enrolled in an educational program except college academic programs shall be 45 instructional days of attendance or the number of instructional days of attendance required to complete the program if less than 45 instructional days, unless otherwise modified by the Director.
- b) The goal period for persons committed in the Adult and Juvenile Divisions who are enrolled in college academic programs and for persons committed in the Community Services Division who are enrolled in any educational program approved by the Department shall be the period of time during which the classes are scheduled, unless otherwise modified by the Director.
- c) The goal period for substance abuse programs shall be the length of the program or 90 days, whichever is shorter, unless otherwise modified by the Director.
- d) The goal period for correctional industry assignments shall normally be 90 days, unless otherwise modified by the Director.
- e) When a committed person completes the educational, substance abuse, or job training program early, the goal period shall be revised to the date of completion

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- and the committed person shall be eligible to receive earned good conduct credits for the revised goal period.
- f) If the committed person is removed from the program or assignment due to placement in protective custody, non-voluntary transfers for other than disciplinary reasons, termination or suspension of the program by the Department, release on parole or mandatory supervised release, transfer to work release, placement on electronic detention, or other reasons approved by the Chief Administrative Officer, the goal period may be revised to the date removed from the program. In determining whether to revise a goal period, the Department shall consider, among other factors, the committed person's medical and mental health status, protection needs, projected release date, and time in the program. The committed person may be eligible to receive earned good conduct credits for the revised goal period provided satisfactory progress has been made towards achieving stated goals.
- g) If the committed person is removed from the program or assignment prior to completion of the goal period due to reasons other than those stated in subsection (f) of this Section, the committed person shall not receive any earned good conduct credit for the goal period.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

**Section 107.560 Award of Earned Good Conduct Credits**

Within 15 working days, whenever feasible, after completion of the goal period or removal from the program, the program administrator or Chief Administrative Officer shall:

- a) Determine whether the committed person achieved the required goals or was making satisfactory progress toward achieving such goals in accordance with Section 107.550(f).
- b) Document the determination of ineligibility or the number of calendar days during the goal period for which the committed person is eligible to receive earned good conduct credits. The days eligible for the award shall be the number of calendar days during the goal period, less the total number of days of lockdowns, days the committed person was absent and days in which class or the program assignment was cancelled.
- c) Ensure good conduct credits earned are computed at the appropriate rate.

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- 1) Prior to August 11, 1993, the rate is 25.
- 2) On or after August 11, 1993, the rate is 50.
- d) The award of earned good conduct credits shall be subject to the review and approval of the Director. A copy of the award of earned good conduct credits shall be filed in the committed person's master record file.
- e) Committed persons shall be advised in writing of the award of earned good conduct credits or the determination of ineligibility of the award.
- f) Committed persons may grieve the decision not to award earned good conduct credits under 20 Ill. Adm. Code 504.Subpart F.
- g) New goal periods and goals shall be established upon continued placement or re-enrollment in educational programs or continued placement in substance abuse programs or correctional industry assignments in accordance with this Subpart.

(Source: Added at 18 Reg. \_\_\_\_\_, effective February 14, 1994)

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- 1) Heading of the Part: SCHOOL DISTRICT #428
- 2) Code Citation: 20 Ill. Adm. Code 405
- 3) Section Numbers: Adopted Action:  
           405.17                   Amend  
           405.20                   Amend  
           405.55                   Repeal
- 4) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, par. 1003-2-2) (see P. A. 88-0311, effective August 11, 1993)[730 ILCS 5/3-2-2].
- 5) Effective Date of Rule(s) (Amendments, Repealer): February 14, 1994
- 6) Does this rulemaking contain an automatic repeal date? \_ Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 10, 1994
- 9) Notice(s) of Proposal Published in Illinois Register:  
           November 12, 1993                   17 Ill. Reg. 19405  
           (issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.
- 13) Will this rule (amendment, repealer) replace an emergency rule (amendment, repealer) currently in effect? Yes.
- 14) Are there any amendments pending on this Part? No.

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- 15) Summary and Purpose of Rule(s) (Amendments, Repealer):
- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name: David C. Watkins, Deputy Director  
 Department of Corrections  
 Address: 1301 Concordia Court  
 P. O. Box 19277  
 Springfield, Illinois 62794-9277  
 Telephone: 217/522-2666

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
 CHAPTER I: DEPARTMENT OF CORRECTIONS  
 SUBCHAPTER d: PROGRAMS AND SERVICES

PART 405  
 SCHOOL DISTRICT #428

Section	
405.10	Applicability
405.15	Responsibilities
405.17	Definitions
405.20	Adult and Juvenile Educational Programs
405.30	Assistance to Community Services Division
405.40	Evaluation (Repealed)
405.50	Adult Basic Education Attendance
405.55	Educational Good Conduct Credits <u>(Repealed)</u>
405.60	Juvenile Educational Attendance
405.70	Suspension of Programs

**AUTHORITY:** Implementing Sections 3-2-2, 3-6-2, 3-6-3, 3-8-3, 3-9-1, 3-10-2 and 3-12-3 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, pars. 1003-2-2, 1003-6-2, 1003-6-3, 1003-8-3, 1003-9-1, 1003-10-2 and 1003-12-3) (see P.A. 88-0311, effective August 11, 1993) [730 ILCS 5/3-2-2, 3-6-2, 3-6-3, 3-8-3, 3-9-1, 3-10-2 and 3-12-3] and Section 13-40 through 13-45 of the Illinois School Code (Ill. Rev. Stat. 1991, ch. 122, par. 13-40 through 13-45) [105 ILCS 5/13-40 through 13-45] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, pars. 1003-2-2 and 1003-7-1) (see P.A. 88-0311, effective August 11, 1993) [730 ILCS 5/3-2-2 and 3-7-1].

**SOURCE:** Adopted at 8 Ill. Reg. 14624, effective August 1, 1984; amended at 11 Ill. Reg. 2742, effective February 1, 1987; emergency amendments at 14 Ill. Reg. 19389, effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5642, effective April 15, 1991; amended at 16 Ill. Reg. 10449, effective July 1, 1992; emergency amendments at 17 Ill. Reg. 16227, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994.

Section 405.17 Definitions



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"Achievement test" means a nationally normed instrument, which has been approved by the Superintendent of School District #428, that measures an individual's educational grade level.

~~"Educational goal" means a written statement, prepared by Department staff and signed by the committed person, that identifies the educational program in which the committed person is enrolled, the goals the committed person is expected to achieve, and the specific time period in which the committed person is to achieve the goals.~~

"Educational programs" means courses of academic and vocational instruction offered to persons committed to the Adult and Juvenile Divisions as approved by School District #428; or courses of academic and vocational instruction offered in the free community, or vocational work training programs offered by the Department or outside resources, ~~which are available to persons committed to the Community Services Division as approved by the Chief Administrative Officer~~

"Full-time student" means a committed person who is enrolled in an educational program that has classes that are normally scheduled to meet a minimum of 15 hours a week ~~five instructional days a week, except for holidays~~; or a committed person who is enrolled in college academics for a minimum of six credit hours per module or 12 credit hours per semester. ~~In addition, a person committed in the Adult Division must have his primary assignment as a full-time educational program and, except as approved by the Chief Administrative Officer, shall not have a job assignment.~~

~~"Goal period" means the specific number of instructional days of attendance or days for which educational goals are established.~~

"90 instructional day program" means a period of 90 days of remedial education, excluding days of absence or days in which no instruction was offered.

~~"Instructional day" means a day in which a minimum of 90 minutes of instruction is provided.~~

"Sexually dangerous person" means any person as defined in Ill. Rev. Stat. 1989 1991, ch. 38, par. 105-1.01 [725 ILCS 205/1.01].

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"Superintendent" means the Superintendent of the Department of Corrections School District #428.

"Technical violator" means a committed person who has been returned to a Department facility due to a violation of the conditions of his parole or mandatory supervised release, but does not include a committed person who has been convicted of a new offense.

"Working days" means Monday through Friday, excluding State holidays.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

## Section 405.20 Adult and Juvenile Educational Programs

- a) The opportunity for educational programs shall be available in the Adult and Juvenile Divisions through the Department of Corrections School District #428. Nothing in this Part shall be construed to require educational opportunities for all committed persons, except as otherwise provided in Section 405.60 or in Sections 3-6-2 and 3-9-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, pars. 1003-6-2 and 1003-9-1) [730 ILCS 5/3-6-2 and 3-9-1].

- 1) Adult Division educational programs shall include:
  - A) Adult basic education and General Educational Development (GED) training;
  - B) Special education;
  - C) Vocational education and career counseling; and
  - D) Post-secondary education, where possible.
- 2) Juvenile Division educational programs shall include:
  - A) Basic education and GED;
  - B) High school credits;
  - C) Special education;

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- D) Vocational education; and
- E) Post-secondary education, where possible.
- b) Committed persons shall, upon request, be considered for enrollment in an educational program for which they are eligible or placement on the waiting list for the program if one exists. ~~Waiting lists shall be maintained in chronological order.~~
- c) In determining eligibility for enrollment in educational programs the Department shall consider, among other factors, the committed person's composite scores on achievement tests, the safety and security of the facility or any person, staff recommendations, requirements for admission to specific programs, administrative concerns, and the committed person's institutional behavior, disciplinary record, educational record, projected release date, and medical and mental health status.
- d) In the Adult Division, committed persons may be eligible to enroll in:
  - 1) Adult Basic Education if they test below the 8.0 grade level.
  - 2) GED training if they test at the 8.0 grade level or above and they do not have a verified GED certificate or a High School diploma.
  - 3) Special education regardless of test scores.
  - 4) School District #428 vocational education regardless of test scores.
  - 5) College vocational programs if they have a verified GED certificate or High School diploma or as otherwise approved in writing by the Superintendent.
- e) In the Juvenile Division, committed persons may be eligible to enroll in:

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- 1) Basic Education if they test below the 8.0 grade level.
- 2) GED training if they test at the 8.0 grade level or above and they do not have a verified GED certificate, Special Education diploma, or High School diploma.
- 3) High School credits if they test at the 8.0 grade level or above and they do not have a verified GED certificate, Special Education diploma, or High School diploma.
- 4) Special Education regardless of test scores.
- 5) School District #428 vocational education if they test at the 3.0 grade level or above.
- 6) College vocational programs if they have a verified GED certificate, Special Education diploma, or High School diploma or as otherwise approved in writing by the Superintendent.
- 7) Two-year college academic programs if they have a verified GED certificate, Special Education diploma, or High School diploma.
- f) Committed persons shall be required to attend and actively participate in classes for which they are enrolled and shall be subject to discipline under 20 Ill. Adm. Code 504, unless absent due to verified illnesses, approved visits, court writs, furloughs, discipline, lockdowns, or other reasons approved by the Chief Administrative Officer. Active participation shall mean, but shall not be limited to, instances in which the committed person is attentive, responsive, and cooperative and completes assigned work.
- g) Committed persons shall adhere to attendance requirements of the educational program in which they are enrolled:
  - 1) Committed persons enrolled in non-college academic programs in the Adult and Juvenile Divisions shall be required to attend and to actively participate in the number of instructional days specified to complete the program and shall not be absent from the program or shall not be documented as not actively participating in the program for more than 30 instructional days, not including days absent due to lockdowns.

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- 2) Persons committed in the Community Services Division and committed persons enrolled in college academic courses shall attend scheduled classes and shall not be absent more than allowed under the requirements of the educational provider or the correctional facility policy. Committed persons shall be advised of the specific requirements of the program in which they are enrolled.
- h) Committed persons may be removed from educational programs due to:
  - 1) Disciplinary action.
  - 2) Failure to adhere to attendance requirements.
  - 3) Administrative reasons approved by the Educational Administrator or the Chief Administrative Officer including, but not limited to, disruptive behavior, lack of active participation, termination or suspension of the program, and safety and security reasons.
  - 4) The committed person's transfer to another facility or program.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

#### Section 405.55 Educational Good Conduct Credits (Repealed)

- a) Committed persons who enroll full-time in an academic or vocational education program approved by the Department shall be eligible to receive educational good conduct credits provided:
  - 1) They are eligible to receive good time in accordance with 20 Ill. Adm. Code 107-Subpart B;
  - 2) They have not been convicted of first degree murder, second degree murder, or a Class X felony;
  - 3) They have not been convicted of a felony which was committed after a previous award of educational good conduct credits; and
  - 4) They achieve the educational goals established by the Department within a specified time period.

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- b) Goals shall be established in writing for committed persons who are eligible to receive educational good conduct credits and shall be signed by the committed person. The goal statement shall include the goal period, attendance requirements, and the educational goals the committed person is expected to achieve.
- c) The goal period for persons committed in the Adult and Juvenile Divisions who are enrolled in any program except college academic programs shall be 90 instructional days of attendance or the number of instructional days of attendance required to complete the program if less than 90 instructional days.
- d) The goal period for persons committed in the Adult and Juvenile Divisions who are enrolled in college academic programs and for persons committed in the Community Services Division shall be the period of time during which the classes are scheduled.
- e) Educational goals shall be determined based on the committed person's current level of achievement and ability. Educational goals may include, but not be limited to, one or more of the following factors:
  - 1) Achievement of a specified grade level;
  - 2) Attainment of a GED certificate;
  - 3) Attainment of a specific number of high school or college credits;
  - 4) Achievement of specified skills; and/or
  - 5) Maintaining a grade of "C" or better in each class or maintaining a passing grade where a pass/fail grading system is used.
- f) Educational goals may, with the approval of the Educational Administrator or the Chief Administrative Officer, be revised in writing and signed by the committed person if it is determined that the original educational goals need to be revised based, among other matters, on a reassessment of the committed person's level of competency or ability. However, the goal period may not be changed.
- g) When a committed person completes the educational program only, the goal period shall be revised to the date of completion and the committed person shall be eligible to receive educational good conduct credits for the revised goal period.



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- ~~h)~~ Committed persons may be removed from the educational program in accordance with Section 405.20(h).—
- ~~1)~~ If the committed person is removed from the educational program due to placement in protective custody, non-voluntary transfers for other than disciplinary reasons, termination or suspension of the educational program by the Department, release on parole or mandatory supervised release, or other reasons approved by the Chief Administrative Officer, the goal period may be revised to the date removed from the program. In determining whether to revise a goal period, the Department shall consider, among other factors, the committed person's medical and mental health status, protection needs, projected release date, and time in the program. The committed person may be eligible to receive educational good conduct credits for the revised goal period provided satisfactory progress has been made towards achieving stated goals.—
- ~~2)~~ If the committed person is removed from the educational program prior to program completion due to reasons other than those stated in subsection (h)(1) of this Section, the committed person shall not receive any educational good conduct credit for participation in the educational program.—
- ~~i)~~ Within 15 working days, whenever feasible, of completion of the goal period or removal from the program, the Educational Administrator or Chief Administrative Officer shall:—
- ~~1)~~ Determine whether or not the committed person achieved the stated educational goals, complied with attendance requirements, or was making satisfactory progress toward achieving such goals in accordance with subsection (h)(1) of this Section.—
- ~~2)~~ Document the number of days, if any, for which the committed person is eligible to receive educational good conduct credits. This shall be the number of calendar days during the goal period, less days absent and days not attended due to lockdowns or class cancellations.—
- ~~3)~~ Document the reasons for ineligibility for award of educational good conduct credits.—

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- ~~4)~~ Ensure educational good conduct credits are computed at the rate of .25 of the number of days eligible for such award.—
- ~~j)~~ The award of educational good conduct credits shall be subject to the review and approval of the Director. A copy of the award of educational good conduct credits shall be filed in the committed person's master record file.—
- ~~k)~~ Committed persons shall be advised in writing of the award of educational good conduct credits or the reasons for ineligibility of the award.—
- ~~l)~~ Committed persons may grieve the establishment of goals or the decision not to award educational good conduct credits under 20 Ill. Adm. Code 504 Subpart F.—
- ~~m)~~ New goal periods and goals shall be established upon re-enrollment.—

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective February 14, 1994)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Numbers: 303.400  
Adopted Action:  
New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1013 and 1027 [415 ILCS 5/13 and 27].
- 5) Effective Date of Rule: FEB 14 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Board's Principal Office: February 3, 1994
- 9) Notice of Proposal Published in Illinois Register:  
October 8, 1993, 17 Ill. Reg. 16374.

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

The Board added "mercury" and "total copper" to subsection (b).

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

No changes were requested.

- 13) Will this Rule replace an emergency Rule currently in effect? No

- 14) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
303.323	Amendment	17 Ill. Reg. 18759 (October 29, 1993)

## POLLUTION CONTROL BOARD

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- 15) Summary and Purpose of Rule:

A complete description is contained in the Board's opinion and order of February 3, 1994, Docket R92-17 which is available from the Clerk of the Board at 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601 or by calling 312-814-3620. This is a site specific rule that would allow the US Department of the Army Corps of Engineers to bankline dispose of sediment generated during maintenance dredging operations on the Illinois Waterway/River between river miles 80.2 and 291 under certain specified conditions.

- 16) Information and questions regarding this adopted rule shall be directed to:

Michelle C. Dresdow  
Illinois Pollution Control Board  
P.O. Box 505  
DeKalb, IL 60115  
(815) 753-0947

The full text of the Adopted Rule begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE C: WATER POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

## PART 303

WATER USE DESIGNATIONS AND SITE SPECIFIC  
WATER QUALITY STANDARDS

## SUBPART A: GENERAL PROVISIONS

Section  
303.100  
303.101  
303.102

Scope and Applicability  
Multiple Designations  
Rulemaking Required

## SUBPART B: NONSPECIFIC WATER USED DESIGNATIONS

Section  
303.200  
303.201  
303.202  
303.203  
303.204

Scope and Applicability  
General Use Waters  
Public and Food Processing Water Supplies  
Underground Waters  
Secondary Contact and Indigenous Aquatic Life Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC  
WATER QUALITY STANDARDS

Section  
303.300  
303.301  
303.301  
303.312  
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303.331  
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303.430  
303.431  
303.441  
303.442  
303.443

Scope and Applicability  
Organization  
Ohio River Temperature  
Waters Receiving Fluorspar Mine Drainage  
Wabash River Temperature  
Unnamed Tributary of the Vermillion River  
Sugar Creek and Its Unnamed Tributary  
Mississippi River North Temperature  
Mississippi River North Central Temperature  
Mississippi River South Central Temperature  
Unnamed Tributary of Wood River Creek  
Shoenberger Creek; Unnamed Tributary of Cahokia Canal  
Mississippi River South Temperature  
Bankline Disposal Along the Illinois Waterway/River  
Unnamed Tributary to Dutch Creek  
Long Point Slough and Its Unnamed Tributary  
Secondary Contact Waters  
Waters Not Designated for Public Water Supply  
Lake Michigan

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## SUBPART D: THERMAL DISCHARGES

Section  
303.500  
303.502

Scope and Applicability  
Lake Sangchris Thermal Discharges

303.Appendix A References to Previous Rules  
303.Appendix B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. effective FEB 14 1994.

SUBPART C: SPECIFIC USE DESIGNATIONS  
AND SITE SPECIFIC WATER QUALITY STANDARDS

## Section 303.400

Bankline Disposal Along the Illinois  
Waterway/River

a)

The U.S. Department of the Army, Corps of Engineers, may bankline dispose of sediment generated during maintenance dredging operations on the Illinois Waterway/River between river miles 80.2 and 291 if:

- 1) Less than 10% of representative samples from a proposed dredge cut are composed of fine-grained material, where a material is fine-grained if more than 20% of the sample passes a #230 sieve; or
- 2) The SSTFATE model indicates that applicable water quality standards will be met at the perimeter of a temporary area of allowed dilution having a surface area no larger than



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48,000 square feet, and not exceeding either  
1,000 feet in length or 150 feet in width;  
and

- 3) The U.S. Department of the Army, Corps of Engineers, holds a Water Quality Certification for its dredging operations from the Illinois Environmental Protection Agency pursuant to Section 401 of the federal Clean Water Act, 33 U.S.C. §1341 (1988).

- b) When the provisions of subsection (a) are met, Section 35 Ill. Adm. Code 304.105 (prohibition against causing a violation of any applicable water quality standard) shall not apply to bankline disposal by the U.S. Department of the Army, Corps of Engineers, but only as 35 Ill. Adm. Code 304.105 pertains to the offensive conditions standard of 35 Ill. Adm. Code 302.203, the dissolved oxygen standard of 35 Ill. Adm. Code 302.206, the total lead, total zinc, mercury, and total copper standards of 35 Ill. Adm. Code 302.208, and the ammonia nitrogen and un-ionized ammonia nitrogen standards of 35 Ill. Adm. Code 302.212.

(Source: Added at 18 Ill. Reg. \_\_\_\_, effective FEB 14 1994.)

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part:

Narrative and Planning Policies

- 2) Code Citation:

77 Ill. Adm. Code 1100

- 3) Section Numbers:

1100.670

- 4) Statutory Authority:

Illinois Health Facilities Planning Act  
Ill. Rev. Stat. 1991, ch. 111½, par. 1151 et seq.  
20 ILCS 3960

- 5) Effective Date of Rules:

February 10, 1994

- 6) Does this Rulemaking Contain an Automatic Repeal Date? Yes \_\_\_ No ✓

If "yes," please specify date:

- 7) Does this Rulemaking Contain Any Incorporations by Reference? Yes \_\_\_ No ✓

If "yes," please specify type: 6.02(a) \_\_\_ or 6.02(b) \_\_\_

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes \_\_\_ No \_\_\_

- 8) Date Filed in Agency's Principal Office:

February 10, 1994

- 9) Date Notice(s) of Proposal was Published in Illinois Register:

August 6, 1993 - 17 Ill. Reg. 12606

ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? Yes      No ✓

If "yes," please complete the following:

A) Statement of Objection:                      Ill. Reg.           

B) Agency Response:                      Ill. Reg.           

C) Date Agency Response Submitted for Approval to the Joint Committee:

- 11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

Two changes were made. In Section 1100.670.(b)., the Planning Areas were originally the HSA's and the Board decided to combine HSA's VI, VII, VIII, and IX into one planning area. Second in Section 1100.670.(e)., paragraph ii was changed from indicating that there was no need for facilities for the developmentally disabled with more than 16 beds to there was no bed need formula established for facilities for the developmentally disabled with more than 16 beds.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

Section 1100.670.(c) following "90%" and 1100.670.(d) have been underlined to show amendatory language. Section 1100.670.(e)(2)(i) and (ii) have been relabeled as (A) and (B). In Section 1100.670.(e)(2)(B) "formula" has been added after "bed need".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes      No ✓

- 14) Are there any other Amendments Pending on this Part? Yes ✓ No

If yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

1100.740	New Section	17 Ill. Reg. 8144
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- 15) Summary and Purpose of Rules:

This rulemaking establishes new need formula for ICF/DD 16 bed or fewer facilities

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES  
PLANNING BOARD

## SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

## PART 1100

## NARRATIVE AND PLANNING POLICIES

## SUBPART A: GENERAL NARRATIVE

Section	
1100.10	Introduction
1100.20	Authority
1100.30	Purpose
1100.40	Health Maintenance Organizations (Repealed)
1100.50	Subchapter Organization
1100.60	Mandatory Reporting of Data
1100.70	Data Appendices
1100.80	Institutional Master Plan Hospitals (Repealed)
1100.90	Public Hearings

## SUBPART B: GENERAL DEFINITIONS

Section	
1100.210	Introduction
1100.220	Definitions

## SUBPART C: PLANNING POLICIES

Section	
1100.310	Need Assessment
1100.320	Staffing
1100.330	Professional Education
1100.340	Public Testimony
1100.350	Multi-Institutional Systems
1100.360	Modern Facilities
1100.370	Occupancy/Utilization Standards
1100.380	Systems Planning
1100.390	Quality
1100.400	Location
1100.410	Needed Facilities
1100.420	Discontinuation
1100.430	Coordination with Other State Agencies

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

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## SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section	
1100.510	Introduction, Formula Components and Planning Area Development
1100.520	Medical-Surgical/Pediatric Categories of Service
1100.530	Obstetric Category of Service
1100.540	Intensive Care Category of Service
1100.550	Comprehensive Physical Rehabilitation Category of Service
1100.560	Acute Mental Illness Categories of Service
1100.570	Substance Abuse Category of Service
1100.580	Neonatal Intensive Care Category of Service
1100.590	Burn Category of Service
1100.600	Therapeutic Radiology Equipment
1100.610	Open Heart Surgery Category of Service
1100.620	Cardiac Catheterization Services
1100.630	Chronic Renal Dialysis Category of Service
1100.640	Non-Hospital Based Ambulatory Surgery
1100.650	Computer Systems (Repealed)
1100.660	General Long-Term Care Category of Service
1100.670	Specialized Long-Term Care Categories of Service
1100.680	Magnetic Resonance
1100.690	High Linear Energy Transfer (L.E.T.)
1100.700	Positron Emission Tomographic Scanning (P.E.T.)
1100.710	Extracorporeal Shock Wave Lithotripsy
1100.720	Selected Organ Transplantation
1100.730	Kidney Transplantation
1100.740	Subacute Care Hospital Model

1100.APPENDIX A: Applicable Codes and Standards Utilized in 77 Ill. Adm. Code:  
Chapter II, Subchapter a

**AUTHORITY:** Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.) [20 ILCS 3960].

**SOURCE:** Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg., p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

FEB 10 1994



## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section 1100.670

Specialized Long-Term Care Categories of Service

## a) Categories of Service:

- 1) The Chronic Mental Illness (M.I.) Category of Service,
- 2) The Long-Term Care for the Developmentally Disabled (Adult) Category of Service,
- 3) The Long-Term Care for the Developmentally Disabled (Children) Category of Service, and
- 4) Long-Term Medical Care for Children.

## b) Planning Areas:

- 1) The State of Illinois is utilized for the Chronic Mental Illness and Long-Term Medical Care for Children Categories of Service;
- 2) Health Service areas are utilized for the Developmentally Disabled Children and Adult Categories of Service.
- 3) For Developmentally Disabled Adults Category of Service:

HSA I, HSA II, HSA III, HSA IV, HSA V, HSA X, HSA XI, and the combined HSA's VI, VII, VIII, and IX.

## c) Occupancy Targets:

- 1) Modernization 80%; Additional Beds 90% for the Chronic Mental Illness and Long-Term Medical Care for Children Categories of Service; and
- 2) Modernization 80%; Additional Beds 93% for the Developmentally Disabled Children and Adult Categories of Service.

- d) Bed Capacity: For facilities licensed pursuant to the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45] the bed capacity is the licensed bed capacity for the service. In State-operated facilities the bed capacity is the reported functional capacity. For facilities licensed pursuant to the Hospital Licensing Act, the bed capacity is the lesser of measured bed capacity or functional bed capacity per patient room.

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

## e) Bed Need Determination for the Specialized Categories of Service:

## 1)

No formula bed need for the Chronic Mental Illness, Long-Term Care for the Developmentally Disabled (Children), and Long-Term Medical Care for Children Categories of Service has been developed. It is the responsibility of the applicant to document the need for the service by complying with all applicable Review Criteria contained in 77 Ill. Adm. Code 1110, Subpart 5.

## 2)

Bed need for the Long-Term Care for the Developmentally Disabled (Adult) Category of Service is calculated in two parts:

## A)

For facilities licensed as ICF/DD 16-bed or fewer, total bed need and the number of additional beds needed are determined by dividing the planning area's projected adult developmentally disabled population by 21.4 to determine the total number of beds needed for developmentally disabled adult residents in the planning area. The number of additional beds needed or excess beds is determined by subtracting the number of existing beds in ICF/DD 16-bed or fewer facilities from the total number of beds needed for developmentally disabled adult residents in the planning area.

## B)

For facilities with more than 16 beds no bed need formula has been established.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

FEB 10 1994

ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part:  
Processing, Classification Policies and Review Criteria
- 2) Code Citation:  
77 Ill. Adm. Code 1110
- 3) Section Numbers:  
1110.1810  
1110.1830  
Adopted Action:  
Amendment  
Amendment
- 4) Statutory Authority:  
Illinois Health Facilities Planning Act  
Ill. Rev. Stat. 1991, ch. 111½, par. 1151 et seq.  
20 ILCS 3960
- 5) Effective Date of Rules:  
February 10, 1994
- 6) Does this Rulemaking Contain an Automatic Repeal Date? Yes \_\_\_ No ☒  
If "yes," please specify date:
- 7) Does this Rulemaking Contain Any Incorporations by Reference? Yes \_\_\_ No ☒  
If "yes," please specify type: 6.02(a)\_\_\_ or 6.02(b)\_\_\_  
If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes \_\_\_ No \_\_\_
- 8) Date Filed in Agency's Principal Office:  
February 10, 1994
- 9) Date Notice(s) of Proposal was Published in Illinois Register:

ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- August 6, 1993 - 17 Ill. Reg. 12593
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? Yes \_\_\_ No ☒  
If "yes," please complete the following:  
 A) Statement of Objection: \_\_\_ Ill. Reg. \_\_\_  
 B) Agency Response: \_\_\_ Ill. Reg. \_\_\_  
 C) Date Agency Response Submitted for Approval to the Joint Committee:
  - 11) Difference Between Proposal and Final Version:  
 The following changes were made in response to comments received during the first notice or public comment period:
    1. In Section 1110.1830.(b), the requirement for letters of support from competing facilities in the area was dropped.
    2. In Section 1110.1830.(c), two changes were made. The requirement for a description of the public transportation available was replaced by a requirement that the applicant provide a description of the transportation services available; and a requirement was added to show that a community workshop is available.
    3. In Section 1110.1830.(f), a provision was added which indicates that when a certificate of need is required by the local zoning process before zoning can be approved, a letter from the appropriate zoning official indicating that this is the case is required.
    4. In Section 1110.1830.(h), two provisions were eliminated. The provision that no facility shall be approved to have more than 16 beds was eliminated and the provision which states that no beds could be added to facilities which are larger than 16 beds was eliminated.

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes      No ✓

- 14) Are there any other Amendments Pending on this Part? Yes ✓ No

If yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
1110.2510	New Section	17 Ill. Reg. 8156
1110.2520	New Section	17 Ill. Reg. 8157
1110.2530	New Section	17 Ill. Reg. 8157
1110.2540	New Section	17 Ill. Reg. 8158
1110.2550	New Section	17 Ill. Reg. 8160

- 15) Summary and Purpose of Rules:

This rulemaking establishes new review criteria for ICF/DD 16 bed or fewer facilities

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES  
PLANNING BOARD  
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

## PART 1110

## PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

## SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section	
1110.10	Introduction to Part 1110
1110.20	Projects Required to Obtain a Permit
1110.30	Processing and Reviewing Applications
1110.40	Classification of Projects
1110.50	Recognition of Services Which Existed Prior to Permit Requirements
1110.55	Recognition of Non-Hospital Based Ambulatory Surgery Category of Service
1110.60	Master Design Projects

## SUBPART B: REVIEW CRITERIA--DISCONTINUATION

Section	
1110.110	Introduction
1110.120	Discontinuation--Definition
1110.130	Discontinuation--Review Criteria

## SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL PROJECTS OTHER THAN DISCONTINUATION

Section	
1110.210	Introduction
1110.220	Definitions--General Review Criteria
1110.230	General Review Criteria
1110.235	Additional General Review Criteria

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING  
ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE  
IN BED CAPACITY

Section	
1110.310	Introduction
1110.320	Bed Related Review Criteria



DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: MODERNIZATION REVIEW CRITERIA

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN

Section  
1110.410 Introduction  
1110.420 Modernization Review Criteria

Section  
1110.1010 Introduction  
1110.1020 Burn--Definitions  
1110.1030 Burn--Review Criteria

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA--  
MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA--  
THERAPEUTIC RADIOLOGY

Section  
1110.510 Introduction  
1110.520 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Definitions  
1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Review Criteria

Section  
1110.1110 Introduction  
1110.1120 Therapeutic Radiology--Definitions  
1110.1130 Therapeutic Radiology--Review Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA--COMPREHENSIVE  
PHYSICAL REHABILITATION

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--OPEN  
HEART SURGERY

Section  
1110.610 Introduction  
1110.620 Comprehensive Physical Rehabilitation--Definitions  
1110.630 Comprehensive Physical Rehabilitation Beds--Review Criteria

Section  
1110.1210 Introduction  
1110.1220 Open Heart Surgery--Definitions  
1110.1230 Open Heart Surgery--Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA--ACUTE MENTAL ILLNESS

Section  
1110.710 Introduction  
1110.720 Acute Mental Illness--Definitions  
1110.730 Acute Mental Illness--Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA--CARDIAC  
CATHETERIZATION

Section  
1110.1310 Introduction  
1110.1320 Cardiac Catheterization--Definitions  
1110.1330 Cardiac Catheterization--Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA--SUBSTANCE ABUSE

Section  
1110.810 Introduction  
1110.820 Substance Abuse--Definitions  
1110.830 Substance Abuse--Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA--END STAGE  
RENAL DISEASE

Section  
1110.1410 Introduction  
1110.1420 End Stage Renal Disease--Definitions  
1110.1430 End Stage Renal Disease--Review Criteria

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--  
PERINATAL/HIGH RISK

Section  
1110.910 Introduction  
1110.920 Neonatal/High Risk--Definitions  
1110.930 Perinatal/High Risk--Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA--NON-HOSPITAL  
BASED AMBULATORY SURGERY

Section  
1110.1510 Introduction

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1110.1520 Non-Hospital Based Ambulatory Surgery--Definitions  
 1110.1530 Non-Hospital Based Ambulatory Surgery--Projects Not Subject to This Part  
 1110.1540 Non-Hospital Based Ambulatory Surgery--Review Criteria

## SUBPART Q: CATEGORY OF SERVICE REVIEW CRITERIA--COMPUTER SYSTEMS

- Section  
 1110.1610 Introduction (Repealed)  
 1110.1620 Computer Systems--Definitions (Repealed)  
 1110.1630 Computer Systems--Review Criteria (Repealed)

## SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--GENERAL LONG-TERM CARE

- Section  
 1110.1710 Introduction  
 1110.1720 General Long-Term Care--Definitions  
 1110.1730 General Long-Term Care--Review Criteria

## SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA--SPECIALIZED LONG-TERM CARE

- Section  
 1110.1810 Introduction  
 1110.1820 Specialized Long-Term Care--Definitions  
 1110.1830 Specialized Long-Term Care--Review Criteria

## SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA--MAGNETIC RESONANCE

- Section  
 1110.1910 Introduction  
 1110.1920 Magnetic Resonance--Definitions  
 1110.1930 Magnetic Resonance--Review Criteria

## SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA--HIGH LINEAR ENERGY TRANSFER (L.E.T.)

- Section  
 1110.2010 Introduction  
 1110.2020 High Linear Energy Transfer (L.E.T.)--Definitions  
 1110.2030 High Linear Energy Transfer (L.E.T.)--Review Criteria

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

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## SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA--POSITRON EMISSION TOMOGRAPHIC SCANNING (P.E.T.)

- Section  
 1110.2110 Introduction  
 1110.2120 Positron Emission Tomographic Scanning (P.E.T.)--Definitions  
 1110.2130 Positron Emission Tomographic Scanning (P.E.T.)--Review Criteria

## SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA--EXTRACORPOREAL SHOCK WAVE LITHOTRIPSY

- Section  
 1110.2210 Introduction  
 1110.2220 Extracorporeal Shock Wave Lithotripsy--Definitions  
 1110.2230 Extracorporeal Shock Wave Lithotripsy--Review Criteria

## SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA - EXTRA-RENAL ORGAN TRANSPLANTATION

- Section  
 1110.2310 Introduction  
 1110.2320 Extra-Renal Organ Transplantation--Definitions  
 1110.2330 Extra-Renal Organ Transplantation--Review Criteria

## SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA--KIDNEY TRANSPLANTATION

- Section  
 1110.2410 Introduction  
 1110.2420 Kidney Transplantation--Definitions  
 1110.2430 Kidney Transplantation--Review Criteria

## 1110.APPENDIX A Medical Specialty Eligibility/Certification Boards

## 1110.APPENDIX B State and National Norms on Square Footage by Department

## 1110.APPENDIX C Statutory Citations for all State and Federal Laws and Regulations Referenced in Chapter 3

AUTHORITY: Implementing and authorized by The Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1-2, pars. 1151 et seq.) [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg., p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

April 15, 1983, amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987, amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992 for a maximum of 150 days, emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 10 1994.

SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA--  
SPECIALIZED LONG-TERM CARE

## Section 1110.1810 Introduction

Subpart S contains Review Criteria which pertain to the Specialized Long-Term Care category of service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E. These review criteria shall apply to all specialized long-term care projects in the review process, at the time they become effective, and to all subsequent applications relating to specialized long-term care.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_ effective FEB 10 1994)

## Section 1110.1830 Specialized Long-Term Care--Review Criteria

- a) Facility Size - Review Criterion. The maximum unit size is 100 beds, unless the project is for a State-operated facility or for the Long-Term Medical Care for Cerebral Palsy Category of Service.
- b) Community Related Functions - Review Criterion. The applicant must document the written endorsement of community groups including the following:
  - 1) a detailed description of the steps taken to inform and receive input from the public, including those community members who live in close proximity to the proposed facility's location;
  - 2) endorsements from social service, social, and economic organizations; and
  - 3) support from municipal officials and other elected officials representing the area in which the proposed facility is located.
- c) Availability of Ancillary and Support Programs--Review Criterion. An applicant
  - 1) social-economic or governmental organizations; or
  - 2) other concerned parties or groups.

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

proposing the establishment of an ICF/DD facility of 16 beds or fewer must document that the community has the necessary support services available to provide care to the proposed facility's residents. Such documentation must include:

- 1) a copy of the letter, sent by certified mail, return receipt requested, to each of the day programming programs in the area informing them of the proposed project and requesting their comments regarding the impact of the proposed project upon their programs. The applicant shall also provide copies of the responses received from these letters;
- 2) a description of the transportation services available to the proposed residents;
- 3) a description of the specialized services, other than day programming, available to the proposed residents;
- 4) a description of the availability of community activities for the proposed facility's residents, e.g., movie theaters, bowling alleys, etc.; and
- 5) documentation of the availability of a community workshop to serve the residents.

d)e)

Recommendations from the State Agencies Departments - Review Criterion. An applicant proposing a facility for the developmentally disabled must document contact with the Departments of Mental Health and Developmental Disabilities and the Department of Public Aid. Documentation must include proof that a request has been submitted to each agency Department requesting the Agency that each Department determine the project's consistency with the long-range goals and objectives of the Department and to request identification of individuals in need of the service. The Departments' responses should address, on both a Statewide and a planning area basis, whether the proposed project meets the Department's planning objectives regarding the size, type, and number of beds proposed, whether the project conforms or does not conform to each Department's plan, and how the project assists or hinders each Department in achieving its planning objectives. Such a request must be made by certified mail return receipt requested and must occur within a 60-day period prior to the submission of the application.

e)d)

Long-Term Medical Care for Children Category of Service (Only) - Review Criterion. The applicant must document the following:

- 1) the planning area served by the facility and the size of the specialized population ages 0-18 years to be served within that geographic area. Documentation must include, but is not limited to, any reports or studies showing the points of origin of patients/residents admitted to the facility, preferably for the latest 12 month period for which data is available;



## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 2) identification of the special programs and/or services to be provided or currently offered by the applicant and the relationship of such programs to the needs of the specialized population (as outlined above);
- 3) insufficient service capability currently exists to meet this need; and
- 4) the number of beds in the proposed project is needed by providing documentation that the proposed project will achieve, within the first year of operation, an occupancy of at least 90 percent.

D)+ Zoning - Review Criterion. The applicant must document that:

- 1) the property to be utilized has been zoned for the type of facility to be developed; or
- 2) zoning approval has been received; or
- 3) a certificate of need is required by the local zoning authority before zoning can be approved. Such documentation shall include a letter from the appropriate zoning official indicating that such a requirement exists.
- 3) a variance in zoning for the project is to be sought.

E)f) Establishment of Chronic Mental Illness--Review Criterion. Documentation shall consist of a narrative statement detailing the scope of system changes which have brought about the need for the project and historical utilization of facilities involved. The applicant must document that:

- 1) all beds will be operated by the State of Illinois;
- 2) the resident population and type of resident/patient served has changed, necessitating the establishment or expansion of services in order to meet the needs of the facility's residents;
- 3) the project represents redistribution of existing beds from another facility due to closure of the facility or unit; and
- 4) admissions from the general public have increased over the last two-year period and the expansion is necessary in order to adequately serve the residents of the facility and the general public.

h) Establishment of Beds, Developmentally Disabled (Adult) Category of Service - Review Criterion.

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

Any proposed project to establish a facility of 16 beds or fewer must be located in a planning area where a need for additional beds is calculated using the formula shown in 77 Ill. Adm. Code 1100.670, unless the applicant can document compliance with the requirements for a variance to the computed bed need in subsection (i) of this Section.

i) Variance to Computed Bed Need for Establishment of Beds, Developmentally Disabled (Adult) Category of Service, for Placement of Residents From Department of Mental Health and Developmental Disabilities (DMHDD) Operated Beds - Review Criterion. The applicant must document all of the following:

- 1) That each of the residents proposed to be served
  - A) currently resides in a DMHDD-operated facility and has at least one interested family member residing in the proposed planning area; or has an interested family member who resides out-of-state within 15 miles of the proposed planning area boundary; or
  - B) has resided in a DMHDD-operated facility physically located in the proposed project's planning area for at least the last 2 years, and the consent of the resident's legal guardian has been obtained for the relocation.
- 2) All of the existing 16-bed or fewer facilities in the planning area are occupied at or above the 93% target occupancy rate or such facilities have refused to accept residents referred from DMHDD-operated facilities. Documentation of each refusal must include the following:
  - A) a letter from DMHDD stating the number of times in the last 12 months the facility or facilities have refused to accept referrals of DMHDD-operated facility residents, including the name of the facility, the date of the refusal, and the reason(s) cited for such refusals, if any;
  - B) a copy of the letter, sent by certified mail return receipt requested, to each of the underutilized facilities in the area asking if they accept referrals from DMHDD-operated facilities, listing the dates of each past refusal, and requesting an explanation of the basis for the refusal in each instance;
  - C) copies of the responses to the above letters; and
  - D) a letter from DMHDD indicating that each of the residents to be referred to the proposed facility have been refused admission at all of the other 16-bed or fewer facilities in the planning area.
- 3) That the proposed relocation of a resident will result in cost savings to the State;

## DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 4) That the facility will only accept future referrals from the DMHDD-operated facility in the planning area if a bed is available; and
- 5) An explanation of how the proposed facility conforms with or deviates from the DMHDD comprehensive long range development plan for developmental disabilities services.

1) State Board Consideration of Public Hearing Testimony - Review Criterion. If public hearing testimony is presented which indicates that one or more facilities in the planning area have available beds, and are willing to accept DMHDD referrals, the State Agency shall notify DMHDD and request that DMHDD contact the facility or facilities and attempt to place residents in such beds, thereby reducing the need for the proposed additional beds. DMHDD shall notify the State Agency of the results of these placement efforts within 45 days of the date of the State Agency advice. If DMHDD's response is not received by the State Agency within the specified time period, the State Agency shall assume that the patients were placed appropriately and that the need for such additional beds no longer exists. If the existing facility(ies) refuses to accept such referrals, the State Agency shall be notified by DMHDD of the refusal and of any rationale for the refusal provided to DMHDD by the refusing facility. This material shall then be forwarded to the Board for its consideration. The review period set forth in 77 Ill. Adm. Code 1130.610(b), may be extended by the State Agency for a period not to exceed 60 days.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 10 1994 \_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT(S)

- 1) Heading of the Part: Real Estate Appraiser Certification
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3) Section Numbers: Emergency Action:  
1455.30 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 5836.5 and 5836.10 [225 ILCS 455/36.5 and 36.10].
- 5) Effective Date of Amendments: **FEB 10 1994**
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they will expire: These emergency amendments are to expire when the proposed amendments are adopted.
- 7) Date Filed in Agency's Principal Office: February 10, 1994.
- 8) Reason for Emergency: The Appraisal Subcommittee of the Federal Financial Institutions Examination Council has raised from 105 to 120 the number of classroom hours of appraisal-related education necessary for licensure as a Certified Residential Real Estate Appraiser. The new federal standards became effective January 1, 1994. To be in compliance with federal law, Illinois must amend its rules to add the extra 15 hours of classroom work.

Since January 1, 1993, anyone wishing to perform real estate appraisals under Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, as amended, must hold a state real estate appraiser's license or certificate. Although the Act does not preclude a person who is not certified or licensed from appraising real estate in Illinois for compensation, it is in the public interest to stay in compliance with federal regulations so that Illinois appraisers can qualify for performing federally related transactions in this State.

9) A Complete Description of the Subjects and Issues Involved: Education requirements for Certified Residential Real Estate Appraisers are raised from 105 hours to 120 hours to bring them in line with a change in federal standards. The additional 15 hours may be obtained from elective courses

10) Are there any proposed Amendments to this Part pending: No

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT(S)

government.

- 12) Information and questions regarding these Rules shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0810 Fax #: 217/782-7645

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT(S)

## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1455

## REAL ESTATE APPRAISER CERTIFICATION

## SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section	Definitions
1455.10	Uniform Standards of Professional Appraisal Practice
1455.15	Education and Experience Requirements for State Licensed Real Estate Appraiser
1455.20	Appraiser
1455.30	Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser

EMERGENCY

1455.40	Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser
1455.50	Examination
1455.60	Nonresident Licensure/Certification
1455.70	Nonresident/Temporary Practice

## SUBPART B: EDUCATION PROVIDERS

Section	Approval of Education Providers/Courses
1455.200	Appraiser Continuing Education (CE)
1455.205	Fees - Education Providers/Courses
1455.210	

## SUBPART C: GENERAL

Section	Renewals
1455.300	Granting Variances
1455.310	

**AUTHORITY:** Implementing Article 2 of the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5836.01 through .25; see Public Act 87-1193, effective September 24, 1992) [225 ILCS 455/36] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

**SOURCE:** Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT(S)

a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective FEB 10 1994, for a maximum of 150 days.

## SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section 1455.30 Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser

EMERGENCY

An applicant for certification as a Certified Residential or Certified General Real Estate Appraiser shall meet the following education and experience requirements:

- a) Education. A total of 405 120 hours for Certified Residential Real Estate Appraiser and 165 hours for Certified General Real Estate Appraiser are required. The courses must be real estate appraisal courses recommended by the Committee and approved by the Department. For Certified Residential, a specific hour requirement is mandatory in each of 4 curricula. For Certified General, a specific hour requirement is mandatory in each of 5 curricula.

- 1) Courses approved for Certified Residential Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:

- A) Standards of Professional Appraisal Practice--15 hours (IL I).
- B) Basic Principles of Appraisal--30 hours (IL II).
- C) Valuation Procedures for Residential Property--30 hours (IL III)
- D) Elective Courses--~~30~~ 45 hours (IL E).

- i) Hours that have been approved in excess of the curriculum requirement, for courses in curricula IL I, IL II and IL III, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.

- ii) Coursework in the IL IV and IL V curricula will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.

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- 2) Courses approved for Certified General Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:

- A) Standards of Professional Practice--15 hours (IL I).
- B) Basic Principles of Appraisal--30 hours (IL II).
- C) Valuation Procedures for Nonresidential Property--30 hours (IL IV).
- D) Income Approach, Capitalization--30 hours (IL V).
- E) Elective Courses--60 hours (IL E).
- i) Hours that have been approved in excess of the requirement, for courses in curricula IL I, IL II, IL IV and IL V, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- ii) Coursework in the IL III curriculum will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.

- 3) Courses completed prior to January 1, 1993.

- A) Courses shall be accepted by the Department, upon review and approval of the Committee prior to January 1, 1993, if they are substantially equivalent to the curricula in Section 1455.200. In determining substantial equivalence, the Committee shall compare the content of each course submitted to the topic requirements as set forth in Section 1455.200.

- B) The Director shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by the Department.

- C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) set forth in subsection (a) above even though the applicant did not participate in the classroom portion of the instruction.

- 4) All courses completed after January 1, 1993, shall be from courses and course

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providers licensed by the Department in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion of an examination.

- 5) Education credit may be earned by teaching courses approved by the Department. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.

- A) One hour of education credit for every one hour of classroom instruction shall be awarded.
- B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).
- C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.

- b) Experience. Two years of appraisal experience is required for an applicant to be eligible to sit for the examination. Experience shall be earned in the following manner:

- 1) One year is defined as 1,000 hours and 12 months (2 years equal 2,000 hours and 24 months). A maximum of 1,000 hours of credit may be earned by the applicant in any calendar year; however, a minimum of 24 months of experience is required.
- 2) The 2,000 hour experience requirement may be awarded from approved experience which shall include fee appraisal, staff appraisal, mass appraisal, ad valorem tax appraisal, mass ad valorem appraisal, review appraisal or appraisal analysis, highest and best use analysis, feasibility analysis or study, real estate sales and brokerage, real estate counseling, real property management, teaching of Department approved appraisal courses and authorship pertaining to real estate appraisal or related subjects.
- 3) For Certified Residential, a minimum of 50% of the requirement must be experience relating to residential property. For Certified General, a minimum of 50% of the requirement must be experience relating to nonresidential property. Hours shall be awarded for various types of

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appraisal and other experience as follows:

- A) 20 hours for apartment property with 5-24 units.
- B) 40 hours for apartment property with more than 24 units.
- C) 20 hours for vacant land zoned for business, commercial, industrial; planned unit development, multiple family, single family which will accommodate more than one unit; and agriculture.
- D) 20 hours for industrial property with buildings up to and including 25,000 square feet.
- E) 40 hours for industrial property with buildings over 25,000 square feet.
- F) 20 hours for office space up to and including 10,000 square feet.
- G) 40 hours for office space over 10,000 square feet.
- H) 20 hours for retail space up to and including 10,000 square feet.
- I) 40 hours for retail space over 10,000 square feet.
- J) 40 hours for specialized or special use property appraisals.
- K) 40 hours for operating or specialized agriculture property.
- L) 10 hours for single family residential property.
- M) 15 hours for 2, 3 and 4 unit residential property.
- N) 5 hours for vacant residential land.
- O) Additional hours may be credited for appraisals. Experience hours listed in A through N are considered typical. If an applicant feels more hours should be awarded for an appraisal, he/she must list the hours requested and attach a written justification to the appraisal log. The Department will consider the additional hours based upon the applicant justification statement and may request a photocopy of the appraisal(s) to assist in the decision. Experience credit will be awarded on time spent in the development of the appraisal and preparation of the report. Travel time will not be considered.

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P) Teaching Experience. Credit for teaching of Department approved appraisal courses shall not exceed 400 hours.

i) To obtain credit for teaching experience, the applicant shall provide verification from the education provider of the time period of such employment and the course name;

ii) Two hours of experience credit for every hour in the classroom shall be awarded (up to 400 hours) upon approval of the experience by the Committee.

iii) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).

iv) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.

v) An applicant may not earn both education and experience credit for teaching the same course.

Q) Authorship. Credit for authorship of appraisal or appraisal related material shall not exceed 200 hours. The applicant shall submit to the Department at the time of application, a copy of the article, textbook or other published material and a statement indicating the amount of time spent in preparing these materials. The Department will evaluate the material and may award experience credit based upon its judgment as to the contribution of skill or knowledge to the applicant or appraisal industry.

R) Real Estate Sales and Brokerage experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).

S) Real Estate Counseling experience shall be accepted if it meets USPAP Standards 4 and 5. The experience will be awarded in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).

T) Real Property Management experience shall be accepted if the

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experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).

U) Experience for mass appraisal, ad valorem tax appraisal and mass ad valorem appraisal shall be documented by the applicant's affidavit detailing the experience credit being requested; shall be certified by the assessment official in accordance with Section 36.11(b), Article 2, of the Act; and reported to the Department in accordance with Section 1455.40(a)(2)(B).

4) Field and review appraisals conducted prior to January 1, 1992, shall:

A) Identify and describe the real estate being appraised;

B) Contain an indication of highest and best use (analysis);

C) Identify the real property interests being appraised;

D) Contain a definition of the value being estimated;

E) Set forth the effective date of the value estimate and the date of the appraisal report;

F) Set forth all assumptions and limiting conditions that affect the analyses, opinions and conclusions;

G) Set forth (in the report or file memorandum) the appraisal procedures followed and the reasoning that supports the analysis, opinions and conclusions;

H) Include the signature of the individual responsible for the analysis, opinions and conclusions contained in the report. The applicant seeking experience credit shall have signed the report or shall be listed in the report as an individual who provided a significant contribution. An affidavit of significant contribution shall be considered by the Department if it is signed by the appraiser who signed the report or by an official of the organization, government, firm or other entity who was responsible for causing the appraisal to be prepared.

5) Mass appraisal projects completed prior to January 1, 1992, shall have been performed by application of mass appraisal methods and techniques deemed



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professionally appropriate at the time the project was undertaken. In evaluating the mass appraisal experience, the Department will consider methods and techniques employed relative to Standard 6 of USPAP and the participation in the mass appraisal project by the applicant.

- 6) Appraisals of all types prepared after January 1, 1992, must conform to the standards set forth in USPAP that were in effect on the date the appraisal was signed.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective FEB 10 1994  
for a maximum of 150 days)

SECRETARY OF STATE  
NOTICE OF CORRECTION(S) TO PROPOSED AMENDMENT

- 1) Heading of the Part for which proposed rulemaking is being corrected: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Illinois Register citation to Notice of Proposed Rules: 18 Ill. Reg. 2217; February 14, 1994
- 4) Section(s) being Corrected: 1070.80 Driver's License Restriction for Exclusive Operation of Commercial Vehicles
- 5) Correction(s) being made: Current language in paragraph b) proposed to be stricken was inadvertently omitted.

Section 1070.80 Driver's License Restriction for Exclusive Operation of Commercial Vehicles

- a) For purposes of this Section, the following definitions shall apply:

"Department" - Department of Driver Services within the Secretary of State's Office.

"Driver Service's Facility Representative" - employees of the Secretary of State.

"Financial Responsibility Filing" - filing with the Secretary of State in accordance with Chapter 7 of the Illinois Safety Responsibility Law of one of the following acceptable forms of security: a certified policy of insurance, cash/securities deposit, and/or a surety bond/real estate bond.

- b) If a person is involved in an accident while operating a commercial vehicle in the course of his/her employment and the employer files bankruptcy after a judgment is rendered against both the person and the employer, the person is ~~will~~ not ~~responsible~~ for filing future proof of financial responsibility. A person may obtain a driver's license restricted to the exclusive operation of a commercial vehicle owned or leased by another without filing future proof of financial responsibility after the employer's discharge in bankruptcy as provided in Section 7-110 of the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1985, Ch. 95 1/2, Part 7-110). His/her employer's bankruptcy papers showing the judgment has been discharged shall be submitted to the Safety and Financial Responsibility Section of the Department at 2701 South Dirksen Parkway, Springfield, Illinois, 62711, relieved from the requirements of Chapter Seven of the Illinois Vehicle Code upon acceptable proof the person was operating such

NOTICE OF CORRECTION(S) TO PROPOSED AMENDMENT

commercial vehicle in connection with his/her regular employment or occupation at the time of the accident, as amended by P.A. 86-549, §1, effective January 1, 1990.

4) The Department shall have the power to levy a tax on the net income of any person who is engaged in the business of operating a motor vehicle in this State.

5) The Department shall have the power to levy a tax on the net income of any person who is engaged in the business of operating a motor vehicle in this State.

6) The Department shall have the power to levy a tax on the net income of any person who is engaged in the business of operating a motor vehicle in this State.

7) The Department shall have the power to levy a tax on the net income of any person who is engaged in the business of operating a motor vehicle in this State.

8) The Department shall have the power to levy a tax on the net income of any person who is engaged in the business of operating a motor vehicle in this State.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

REQUEST FOR EXPEDITED CORRECTIONS

1) Heading of the Part: Procedural Requirements for Permitted Landfills

2) Code Citation: 35 Ill Adm Code 813

3) Section Numbers: 813.106

4) Date Proposal published in Illinois Register: November 6, 1992, 16 Ill Reg 16920  
Issue Date

5) Date Adoption published in the Illinois Register: July 30, 1993, 17 Ill Reg 12409  
Issue Date

6) Summary and Purpose of Expedited Correction:

The proposed correction would delete the provision allowing the Illinois Environmental Protection Agency to reconsider its permitting decisions prior to the filing of a petition for review of the Agency's decision with the Board. The reason for this correction is because amendments to Section 813.106 as published in the Illinois Register at 17 Ill Reg 12409, and at first notice at 16 Ill Reg 16920 indicated that subsection (b) was being deleted. However, a word processing error resulted in the strike-outs being removed but not the text of the subsections in the filing for the Administrative Code. Thus, a discrepancy exists between what was published in the Illinois Register and the adopted rule.

7) Information and questions regarding this request shall be directed to:

Name: Marc Lipsold  
Address: Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Ste. 11-500  
Chicago, Illinois 60601  
Telephone: 312/814-4925

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTIONS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

## PART 813

## PERSONAL REQUIREMENTS FOR PERMITTED LANDFILLS

## SUBPART A: GENERAL PROCEDURES

Section  
813.101  
813.102  
813.103  
813.104  
813.105  
813.106  
813.107  
813.108  
813.109  
813.110  
813.111

Scope and Applicability  
Delivery of Permit Application  
Agency Decision Deadlines  
Standards for Issuance of a Permit  
Standards for Denial of a Permit  
Permit Appeals  
Permit No Defense  
Term of Permit  
Transfer of Permits  
Adjusted Standards to Engage in Experimental Practices  
Agency Review of Contaminant Transport Models

## SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND SIGNIFICANT MODIFICATION OF PERMITS

Section  
813.201  
813.202  
  
813.203  
813.204

Initiation of a Modification or Significant Modification  
Information Required For a Significant Modification of an Approved Permit  
Specific Information Required For a Significant Modification To Obtain Operating Authorization  
Procedures For A Significant Modification of an Approved Permit

## SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section  
813.301  
813.302  
813.303  
813.304  
813.305

Time of Filing  
Effect of Timely Filing  
Information Required For a Permit Renewal  
Updated Groundwater Impact Assessment  
Procedures for Permit Renewal

## SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND TERMINATION OF TEMPORARY AND PERMANENT CLOSURE AND POSTCLOSURE CARE

Section  
813.401  
813.402

Agency Notification Requirements  
Certification of Closure

## POLLUTION CONTROL BOARD

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813.403 Termination of the Permit

SUBPART E: REPORTS TO BE FILED WITH THE AGENCY

Section  
813.501  
813.502  
813.503

Annual Reports  
Quarterly Groundwater Reports  
Information to be Retained at or near the Waste Disposal Facility

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act 1027 and 1028.1 (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027) [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15814, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12409, effective July 19, 1993; expedited correction at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROCEDURES

## Section 813.106 Permit Appeals

- a) If the agency refuses to grant or grants with conditions a permit the applicant may, within 35 days, petition for a hearing before the Board to contest the decision of the Agency. (Section 40(a)(1) of the Act) The petition shall be filed, and the proceeding conducted, pursuant to the procedures of Section 40 of the Act and 35 Ill. Adm. Code 105.
- b) Any Agency action to deny a permit or to grant a permit with conditions will not be deemed fitted for the purposes of appeal if the applicant has requested Agency reconsideration of that action prior to the filing of a petition pursuant to this Section.



## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTIONS

- 1) Heading of the Part: Standards for New Solid Waste Landfills

2) Code Citation: 35 Ill Adm Code 811

3) Section Numbers: 811.310

4) Date Proposal published in Illinois Register:

November 6, 1992, 16 Ill Reg 16962  
Issue Date

5) Date Adoption published in the Illinois Register:

July 30, 1993, 17 Ill Reg 12413  
Issue Date

6) Summary and Purpose of Expedited Correction:

The proposed corrections would delete the requirement that new landfills that dispose of putrescible wastes monitor for toxic air compounds. The reason for these corrections is because amendments to Section 811.310 as published in the Illinois Register at 17 Ill Reg 12413, and at first notice at 16 Ill Reg 16962 indicated that subsections (c)(5) and (d)(1)(F) were being deleted. However, a word processing error resulted in the strike-outs being removed but not the text of the subsections in the filing for the Administrative Code. Thus, a discrepancy exists between what was published in the Illinois Register and the adopted rule.

7) Information and questions regarding this request shall be directed to:

Name: Marie Tipsord  
Address: Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Ste. 11-500  
Chicago, Illinois 60601  
Telephone: 312/814-4925

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTIONS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

## PART 811

## STANDARDS FOR NEW SOLID WASTE LANDFILLS

## SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section	
811.101	Scope and Applicability
811.102	Location Standards
811.103	Surface Water Drainage
811.104	Survey Controls
811.105	Compaction
811.106	Daily Cover
811.107	Operating Standards
811.108	Salvaging
811.109	Boundary Control
811.110	Closure and Written Closure Plan
811.111	Postclosure Maintenance

## SUBPART B: INERT WASTE LANDFILLS

Section	
811.201	Scope and Applicability
811.202	Determination of Contaminated Leachate
811.203	Design Period
811.204	Final Cover
811.205	Final Slope and Stabilization
811.206	Leachate Sampling
811.207	Load Checking

## SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section	
811.301	Scope and Applicability
811.302	Facility Location
811.303	Design Period
811.304	Foundation and Mass Stability Analysis
811.305	Foundation Construction
811.306	Liner Systems
811.307	Leachate Drainage System
811.308	Leachate Collection System
811.309	Leachate Treatment and Disposal Systems
811.310	Landfill Gas Monitoring
811.311	Landfill Gas Management Systems
811.312	Landfill Gas Processing and Disposal Systems

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTIONS

811.313 Intermediate Cover  
 811.314 Final Cover System  
 811.315 Hydrogeological Site Investigations  
 811.316 Plugging and Sealing of Drill Holes  
 811.317 Groundwater Impact Assessment  
 811.318 Design, Construction, and Operation of Groundwater Monitoring Systems  
 811.319 Groundwater Monitoring Programs  
 811.320 Groundwater Quality Standards  
 811.321 Waste Placement  
 811.322 Final Slope and Stabilization  
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## SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section  
 811.401 Scope and Applicability  
 811.402 Notice to Generators and Transporters  
 811.403 Special Waste Manifests  
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## SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section  
 811.501 Scope and Applicability  
 811.502 Duties and Qualifications of Key Personnel  
 811.503 Inspection Activities  
 811.504 Sampling Requirements  
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 811.506 Foundations and Subbases  
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 811.509 Leachate Collection Systems

## SUBPART G: FINANCIAL ASSURANCE

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 811.700 Scope, Applicability and Definitions  
 811.701 Upgrading Financial Assurance  
 811.702 Release of Financial Institution  
 811.703 Application of Proceeds and Appeals  
 811.704 Closure and Postclosure Care Cost Estimates  
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811.711 Surety Bond Guaranteeing Payment  
 811.712 Surety Bond Guaranteeing Performance  
 811.713 Letter of Credit  
 811.714 Closure Insurance  
 811.715 Self-Insurance for Non-commercial Sites  
 APPENDIX A Financial Assurance Forms  
 ILLUSTRATION A Trust Agreement  
 ILLUSTRATION B Certificate of Acknowledgment  
 ILLUSTRATION C Forfeiture Bond  
 ILLUSTRATION D Performance Bond  
 ILLUSTRATION E Irrevocable Standby Letter of Credit  
 ILLUSTRATION F Certificate of Insurance for Closure and/or Postclosure Care  
 ILLUSTRATION G Operator's Bond Without Surety  
 ILLUSTRATION H Operator's Bond With Parent Surety  
 ILLUSTRATION I Letter from Chief Financial Officer  
 AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005, 1021, 1021.1, 1022, 1022.17, 1028.1 and 1027) [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 811.310 Landfill Gas Monitoring

- a) This Section applies to all units that dispose putrescible wastes.  
 b) Location and Design of Monitoring Wells  
 1) Gas monitoring devices shall be placed at intervals and elevations within the waste to provide a representative sampling of the composition and buildup of gases within the unit.  
 2) Gas monitoring devices shall be placed around the unit at locations and elevations capable of detecting migrating gas from the ground surface to the lowest elevation of the liner system or the top elevation of the groundwater, whichever is higher.  
 3) A predictive gas flow model may be utilized to determine the optimum placement of monitoring points required for making observations and tracing the movement of gas.  
 4) Gas monitoring devices shall be constructed from materials that will not react with or be corroded by the landfill gas.  
 5) Gas monitoring devices shall be designed and constructed to measure pressure and allow collection of a representative sample of gas.  
 6) Gas monitoring devices shall be constructed and maintained to minimize gas leakage.  
 7) The gas monitoring system shall not interfere with the operation

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTIONS

of the liner, leachate collection system or delay the construction of the final cover system.

- 8) At least three ambient air monitoring locations shall be chosen and samples shall be taken no higher than 0.025 meter (1 inch) above the ground and 30.49m (100 feet) downwind from the edge of the unit or at the property boundary, whichever is closer to the unit.

c) Monitoring Frequency

- 1) All gas monitoring devices, including the ambient air monitors shall be operated to obtain samples on a monthly basis for the entire operating period and for a minimum of five years after closure.
- 2) After a minimum of five years after closure, monitoring frequency may be reduced to quarterly sampling intervals.
- 3) The sampling frequency may be reduced to yearly sampling intervals upon the installation and operation of a gas collection system equipped with a mechanical device such as a compressor to withdraw gas.
- 4) Monitoring shall be continued for a minimum period of: thirty years after closure at MSWLF units, except as otherwise provided by subsections (c)(5) and (c)(6), below; five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing of wastes generated at the site; or fifteen years after closure at all other landfills regulated under this Part.

Monitoring, beyond the minimum period, may be discontinued if the following conditions have been met for at least one year:

- A) The concentration of methane is less than five percent of the lower explosive limit in air for four consecutive quarters at all monitoring points outside the unit; and
- B) Monitoring points within the unit indicate that methane is no longer being produced in quantities that would result in migration from the unit and exceed the standards of subsection (a)(1).

- 5) The operator shall include in the permit, a list of air toxics to be monitored in accordance with subsection (d). The Agency shall determine the monitoring frequency of the listed compounds based upon their emission rates and ambient levels in the atmosphere.

The Agency may reduce the gas monitoring period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.

- 76) The owner or operator of a MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:

- i) Inspection and maintenance (Section 811.111);
- ii) Leachate collection (Section 811.309);
- iii) Gas monitoring (Section 811.310); and
- iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Changes to subsections (c) are derived from 40 CFR 258.61

## POLLUTION CONTROL BOARD

## REQUEST FOR EXPEDITED CORRECTIONS

(1992).

d) Parameters to be Monitored

- 1) All below ground monitoring devices shall be monitored for the following parameters at each sampling interval:

- A) Methane;
- B) Pressure;
- C) Nitrogen;
- D) Oxygen; and
- E) Carbon dioxide.

F) Any compound on the list of air toxics adopted by the Board pursuant to Section 9-5 of the Act, which is expected to be produced in the landfill unit.

- 2) Ambient air monitors shall be sampled for methane only when the average wind velocity is less than 8 kilometers (five miles) per hour at a minimum of three downwind locations 30.49 meters (100 feet) from the edge of the unit or the property boundary, whichever is closer to the unit.

- 3) All buildings within a facility shall be monitored for methane by utilizing continuous detection devices located at likely points where methane might enter the building.



## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF EXPEDITED CORRECTION

- 1) The Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Numbers: Section 1501.501
- 4) Date Proposal Published in Illinois Register:  
March 9, 1990 14 Ill. Reg. 3308
- 5) Date Adoption Published in Illinois Register:  
August 20, 1990 14 Ill. Reg. 13997
- 6) Date Request for Expedited Correction Published in Illinois Register:
- 7) Adoption Effective Date: August 20, 1990
- 8) Correction Effective Date: August 20, 1990
- 9) Reason for Approval of Expedited Correction: These corrections are "omissions...that create unintentional discrepancies between adopted rule text and text previously published in the Illinois Register" as provided at 1 Ill Adm Code 240.110(a) and Section 7.01(b) of the Illinois Administrative Procedure Act [Ill Rev Stat 1991, ch. 127, par. 1007.01(b)]. The published and filed texts of Section 1501.501 adopted effective August 20, 1990, failed to include previous amendments to Section 1501.501, which were adopted effective June 25, 1990. This error created the unintentional discrepancies.

The full text of the Section, indicating the correction, begins on the following page.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF EXPEDITED CORRECTION

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

## PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

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1501.801 Definition of Terms  
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**AUTHORITY:** Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, pars. 102-1 et seq., pars. 103-1 et seq., and par. 106-5.3) [110 ILCS 805/Arts. II and III and 805/6-5.3].

**SOURCE:** Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1990, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; expedited correction at 18 Ill. Reg. \_\_\_\_\_, effective August 20, 1990.

## SUBPART E: FINANCE

## Section 1501.501 Definition of Terms

Advanced Technology Equipment Grant. The Advanced Technology Equipment Grant provides state funds to Illinois public community colleges for the procurement of equipment necessary to upgrade

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## NOTICE OF EXPEDITED CORRECTION

curricula impacted by technological changes. (See Section 2-16 of the Act).

Annual Financial Statement. The "annual financial statement," which is required to be published by a district, consists of two parts: an annual financial report, which includes a statement of revenues and expenditures along with other basic financial data; and

an annual program report, which provides a narrative description of programs offered, goals of the district, and student and staff data.

Attendance at Mid-Term. A student is "in attendance at mid-term" in a course if the student is currently enrolled in and actively pursuing completion of the course.

Auditor. An auditor is a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records prior to the end-of-registration date of the college for that particular term.

Business Assistance Centers and Economic Development Offices. Business assistance centers and economic development offices are entities at community colleges that conduct, coordinate, and assist with economic development activities.

Economic Development Activities. Economic development activities create or retain jobs and increase employment opportunities.

Economic Development Grants. Economic Development Grants provide funds for conducting economic development activities.

Repair and Renovation Grants. Repair and renovation grants are state grants allocated proportionally to each community college district based on the latest fall on-campus non-residential gross square feet of facilities as certified by the ICCB. Such grants are to be utilized for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair, and installation of capital facilities; cost of planning, supplies, equipment, materials, and services; and all other expenses required to complete the work.

Resident of a District. For purposes of ICCB grants only, a "resident of a district" is a student who meets the following criteria: if unemancipated, at least one parent, step-parent, or court-appointed guardian of the student shall reside in the district; if emancipated, the student shall have lived in the district, in

## ILLINOIS COMMUNITY COLLEGE BOARD

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some capacity other than as a student at a post-secondary education institution or a resident of a state or federal correctional institution, for a period of at least thirty (30) days prior to enrolling at the community college unless evidence is presented that the student has permanently relocated for purposes other than attending school. Evidence of district residency shall be based on ownership and/or occupancy of a dwelling in the district and at least one of the following:

- An Illinois driver's license;
- An Illinois automobile license registration;
- An Illinois voter's registration card;
- A document showing the student's past or existing status as a district student, e.g., a high school transcript;
- Other non-self-serving documentation;

Resident of Illinois. For purposes of payment of ICCB grants, a resident of Illinois is a person who meets the following criteria: if unemancipated, at least one parent, step-parent, or court-appointed guardian of the student shall reside in Illinois; if emancipated, the student shall be a legal resident of the State of Illinois and have lived in Illinois, in some capacity other than as a student, at a post-secondary education institution, for a period of at least thirty (30) days prior to enrolling at the community college unless evidence is presented that the student has permanently relocated for purposes other than attending school. Evidence of legal residency shall be based on ownership and/or occupancy of a home in the State of Illinois and one of the following:

- An Illinois driver's license;
- An Illinois automobile license registration;
- An Illinois voter's registration card;
- Employment in the State of Illinois;
- Payment of Illinois income tax;
- A document showing the student's past or existing status as an Illinois student, e.g., a high school record;
- Other non-self-serving documentation;

Residency - Applicability-Verification of Status. As part of verification that its credit hours are eligible to receive ICCB grants, each community college district shall adopt a process for verifying the residency status of its students and shall file a description of this process with the ICCB by July 1, 1990. The process shall include the methods for verifying residency as defined in the General Provisions, Special State Provisions, and District Provisions of this subsection. Each district shall file descriptions of any revisions to its process with the ICCB prior to their implementation.

Residency - General Provisions. The following provisions apply both to state and district residency definitions:



## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF EXPEDITED CORRECTION

- To be classified as a resident of the State of Illinois or of the community college district, each student shall have occupied a dwelling within the state or district for at least 30 days immediately prior to the date established by the district for classes to begin.
- The district shall maintain documentation verifying state or district residency of students.
- Students occupying a dwelling in the state or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or more.
- Students who move from outside the state or district and who obtain residence in the state or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate, through documentation, a verifiable interest in establishing permanent residency.
- Residency - District Provisions. Students shall not be classified as residents of the district where attending even though they may have met the general 30-day residency provision if they are:
  - federal job corps workers stationed in the district;
  - members of the armed services stationed in the district;
  - inmates of state or federal correctional/rehabilitation institutions located in the district;
  - full-time students attending a postsecondary educational institution in the district who have not demonstrated, through documentation, a verifiable interest in establishing permanent residency; and
  - students attending under the provisions of a chargeback or contractual agreement with another community college.
- Residency - Special State Provisions. Students shall be classified as residents of the state without meeting the general 30-day residency provision if they are:
  - federal job corps workers stationed in Illinois;
  - members of the armed services stationed in the district;
  - inmates of state correctional/rehabilitation institutions located in Illinois; or
  - employed full time in Illinois.

Special Populations Grant. A "special populations grant" provides funding for:

Special or extra services to assist special populations students to initiate, continue, or resume their education, including tutoring, educational and career counseling, referrals to external agencies, and testing/evaluation to determine courses or services needed by a special populations student.

Courses (not funded through credit hour grants) to provide the academic skills necessary to remedy or correct educational

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deficiencies to allow the attainment of educational goals, including remedial, adult basic education, adult secondary education, and English as a Second Language courses.

Special Populations Student. A "special populations student" is a student with a social, physical, developmental, or academic disability that makes it difficult for such a student to adapt to a college environment designed for the non-special populations student. This may include students from minority racial/ethnic groups. Colleges shall designate which of their students are special populations as determined by teacher and counselor evaluations and various standardized tests selected by the colleges. Repair and Renovation Grants. Repair and renovation grants are state

(Source: Expedited correction at 18 Ill. Reg. \_\_\_\_\_, effective August 20, 1990)

ILLINOIS REGISTER  
ILLINOIS ATTORNEY GENERAL  
NOTICE OF PUBLIC INFORMATION

Proposed Consent Decree pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act and the Illinois Environmental Protection Act; Amoco Chemical/Joliet Landfill.

AGENCY: Illinois Attorney General and Illinois Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: The Illinois Attorney General at the request of the Illinois Environmental Protection Agency (IEPA) is proposing to enter a cost recovery and remedial investigation/feasibility study consent decree which was lodged in the United States District Court for the Northern District of Illinois, Eastern Division. This proposed consent decree is intended to resolve the liability of a party for the conduct and costs of a Remedial Investigation and Feasibility Study (RI/FS) at Amoco Chemical (Joliet Landfill). Section 122(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), requires that notice of proposed settlements be made public. This notice seeks to elicit public comments to the Amoco Chemical consent decree.

DATE: Comments must be received on or before March 12, 1994.

ADDRESS: Comments should be addressed to RoseMarie Cazeau, Assistant Attorney General, Environmental Control Division, Illinois Attorney General's Office, 100 West Randolph Street, 12th Floor, Chicago, Illinois 60601, and should refer to the Amoco Chemical site in Joliet, Illinois.

SUPPLEMENTAL INFORMATION:

The settlement resolves a complaint which was filed in U.S. District Court on February 10, 1994, for violations of the Illinois Environmental Protection Act (Act) and claims arising from Section 107 of CERCLA and Section 22.2 of the Act. The consent decree requires Amoco Chemical to conduct and pay the costs of a RI/FS that is to be conducted on the site.

ILLINOIS ATTORNEY GENERAL

NOTICE OF PUBLIC INFORMATION

The State of Illinois may withdraw its consent if comments received disclose facts which indicate that the consent decree is inappropriate, improper or inadequate. For thirty (30) days following the date of publication of the notice, the Illinois Attorney General will receive written comments relating to the consent decree.

A copy of the proposed consent decree may be obtained from the Illinois Attorney General's Office. A copy of the proposed consent decree can be found at the Clerk's Office, City of Joliet, City Hall, 150 West Jefferson, Joliet, Illinois 60431 and the Federal Court House, 219 South Dearborn Street, Chicago, Illinois 60604.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

## RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name Of Agency: Department of Public Aid

Heading of the Part: Long Term Care Reimbursement Changes

Code Citation: 89 Ill. Adm. Code 153

Sections Involved: 153.100

Notice of Proposal Published in Illinois Register: February 4, 1994

Statutory Authority: Illinois Public Aid Code (305 ILCS 5 and 12),  
Illinois Health Finance Reform Act (20ILCS 2215/3)Information concerning this Regulatory Flexibility Impact Analysis  
shall be directed to:Name: Linda D. Brand  
Address: Department of Commerce and Community Affairs  
620 E. Adams, Springfield, IL 62701  
Telephone: (217) 785-6354

Other pertinent information regarding these rules: After initial scrutiny, the Department of Commerce and Community Affairs has determined that the above proposed rule may impact small businesses. Publication of this notice serves to both provide the general public with information regarding specifics of the proposed rule, on request, as well as elicit comments from interested parties. All comments will be considered as the analysis is formulated.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 8, 1994 through February 14, 1994, and have been scheduled for review by the Committee at its March 22, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/24/94	Department of Children and Family Services, Reports of Child Abuse and Neglect (89 Ill Adm Code 300)	10/22/93 17 Ill Reg 18271	3/22/94
3/24/94	Department of Children and Family Services, Relative Home Placement (89 Ill Adm Code 335)	5/7/93 17 Ill Reg 6681	3/22/94
3/30/94	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	12/17/93 17 Ill Reg 21266	3/22/94
3/30/94	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	11/12/93 17 Ill Reg 19436	3/22/94
3/30/94	Illinois Commerce Commission, Procedures Governing the Establishment of Credit, Billing, Termination of Service and Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (G.O. #218) (83 Ill Adm Code 735)	4/23/93 17 Ill Reg 6386	3/22/94
3/30/94	Illinois Commerce Commission, Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Highway for Service, Deposits, Payment Practices and Discontinuance of Service (83 Ill Adm Code 280)	4/23/93 17 Ill Reg 6382	3/22/94



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
(Page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/30/94	Secretary of State, The Illinois Library Systems Act (23 Ill Adm Code 3030)	11/5/93 17 Ill Reg 19072	3/22/94
3/30/94	Department of Transportation, Procedures (92 Ill Adm Code 107)	12/17/93 17 Ill Reg 21333	3/22/94
3/30/94	Department of Transportation, General Information, Regulations and Definitions (92 Ill Adm Code 171)	12/17/93 17 Ill Reg 21314	3/22/94
3/30/94	Department of Transportation, Hazardous Materials Table and Hazardous Materials Communications (92 Ill Adm Code 172)	12/17/93 17 Ill Reg 21326	3/22/94
3/30/94	Department of Transportation, Shippers General Requirements for Shipments and Packagings (92 Ill Adm Code 173)	12/17/93 17 Ill Reg 21345	3/22/94
3/30/94	Department of Transportation, Carriage by Public Highway (92 Ill Adm Code 177)	12/17/93 17 Ill Reg 21305	3/22/94
3/30/94	Department of Transportation, Specifi- cations for Packagings (92 Ill Adm Code 178)	12/17/93 17 Ill Reg 21351	3/22/94
3/30/94	Department of Transportation, Specifi- cations for Tank Cars (92 Ill Adm Code 179)	12/17/93 17 Ill Reg 21362	3/22/94
3/30/94	Department of Transportation, Continuing Qualification and Maintenance of Packaging (92 Ill Adm Code 180)	12/17/93 17 Ill Reg 21310	3/22/94

## PROCLAMATION

94-034  
ENGINEERS WEEK

Whereas, the engineering community of this state has provided a wealth of innovation in the fields of agriculture, industry, transportation, construction, and education; and

Whereas, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and

Whereas, in order to emphasize the role of professional engineers in our society, the 1994 theme for National Engineers Week is "Engineers: Turning Ideas Into Reality";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 20-26, 1994, as ENGINEERS WEEK in Illinois in conjunction with the national observance and in recognition of the indispensable contributions engineers have made in the past and will continue to make in the future.

Issued by the Governor February 3, 1994.

Filed with the Secretary of State February 10, 1994.

94-035  
FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK

Whereas, the State of Illinois recognizes the youth of our nation as the foundation of America's business structure; and

Whereas, Future Business Leaders of America-Phi Beta Lambda represent nearly 250,000 young men and women who have an enthusiastic interest in the business world. Approximately 3,500 members are Illinois citizens; and

Whereas, this national organization provides a valuable service to our communities and our young people by encouraging the development of competent, aggressive business leadership; strengthening students' self-confidence; creating a greater understanding of American enterprise; and facilitating the transition from school to work;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 13-19, 1994, as FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK in Illinois in conjunction with the national observance.

Issued by the Governor February 3, 1994.

Filed with the Secretary of State February 10, 1994.

94-036  
GFWC WAUKEGAN WOMAN'S CLUB DAY

94-038  
MARKETING WEEK

Whereas, the General Federation of Women's Clubs' Waukegan Woman's Club will observe 100 years of existence on February 7, 1994 at its Founder's Day meeting; and

Whereas, since its organization on February 19, 1894, the GFWC Waukegan Woman's Club has been a charitable organization striving for mutual improvement and a united effort to achieve higher individual and civic improvement; and

Whereas, from 1894 to 1898 the GFWC Waukegan Woman's Club purchased, managed, maintained, and developed a small public library over a store on Genesee Street which they turned over to the city in 1898, and which became the Carnegie Library at Washington and Sheridan Streets in 1903 when the cornerstone was laid with records of the club beneath it; and

Whereas, with the support of the GFWC Waukegan Woman's Club on December 26, 1916, the Waukegan Park District was originated by a vote of the people and has remained a vital interest of the club through the years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, do proclaim February 19, 1994, as GFWC WAUKEGAN WOMAN'S CLUB DAY in Illinois.

Issued by the Governor February 3, 1994.

Filed with the Secretary of State February 10, 1994.

94-037  
MANUFACTURING WEEK

Whereas, the State of Illinois welcomes the annual observance of National Manufacturing Week (NMW) to Chicago's McCormick Place March 14-17, 1994; and

Whereas, manufacturing is an essential component of the economic foundation of the United States; and

Whereas, National Manufacturing Week addresses all phases of the manufacturing process through four concurrent trade shows; and

Whereas, a strong manufacturing industry contributes to continued growth, prosperity, and high-paying jobs in other sectors of the economy; and

Whereas, the 1994 trade shows will focus on the education of tomorrow's workforce, helping to provide the skills and training necessary to compete in the global marketplace; and

Whereas, the Prairie State wishes to welcome more than 10,000 exhibitors and 60,000 manufacturing professionals from around the world to Illinois for National Manufacturing Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 14-17, 1994 as MANUFACTURING WEEK in Illinois.

Issued by the Governor February 3, 1994.

Filed with the Secretary of State February 10, 1994.

Whereas, marketing responds to the consumers' needs and results in more choices and lower prices through streamlined distribution and mass production, enhancing the quality of life in communities such as Bloomington-Normal, as well as throughout the state; and

Whereas, an increasing number of students at Illinois State University are taking courses for the marketing profession, a profession which employs thousands of men and women in Bloomington-Normal; and

Whereas, marketing adds vitality to the local economy; and

Whereas, the American Marketing Association and its members actively support the marketing profession and its services in Bloomington-Normal;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 6-12, 1994, as MARKETING WEEK in Illinois.

Issued by the Governor February 3, 1994.

Filed with the Secretary of State February 10, 1994.

94-039  
MULTIPLE SCLEROSIS AWARENESS MONTH

Whereas, multiple sclerosis (MS) is the most common neurological disease affecting young adults, and there is no known cause, cure, or prevention for the disease; and

Whereas, the number of persons in the United States affected by MS or related neurological disorders has reached more than 500,000; and

Whereas, the Municipal Sclerosis Association of America is dedicated to creating awareness and knowledge of the needs and concerns of MS patients and improving the quality of life for individuals with multiple sclerosis and their families;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as MULTIPLE SCLEROSIS AWARENESS MONTH in Illinois.

Issued by the Governor February 3, 1994.

Filed with the Secretary of State February 10, 1994.

94-040  
NUTRITION MONTH

Whereas, the Illinois Department of Public Health, along with nutrition professionals throughout Illinois and the United States, are promoting good nutrition; and

Whereas, there is a need to encourage our citizens to



practice sound eating habits throughout the year in order to achieve optimum health; and

Whereas, more than 25 percent of Illinoisans are at risk because of obesity, nearly 23 percent consume a high fat diet, and only 17 percent eat the recommended five or more servings of fruit and vegetables a day; and

Whereas, in keeping the theme of the national observance -- "Eat Right, America" -- all Illinoisans should become aware that proper nutrition is vital at all states of life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1994 as NUTRITION MONTH in Illinois and urge Illinois residents to increase their awareness of the significance of good nutrition.

Issued by the Governor February 3, 1994.

Filed with the Secretary of State February 10, 1994.

94-041

#### READING IS FUN WEEK

Whereas, Kappa Delta Pi, an International Society in Education, is a sponsor of Reading Is Fundamental, Inc.'s 10th Annual Reading Is Fun Week; and

Whereas, an investment in education and our young people is an investment in our future; and

Whereas, books and reading open doors to new worlds and new opportunities; and

Whereas, the programs provided throughout Reading Is Fun Week are designed to encourage people of all ages to enjoy the benefits of reading; and

Whereas, in 1993, Kappa Delta Phi reached more than 30,000 adults and young people through the combined efforts of Reading Is Fundamental, Inc.;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 18-22, 1994, as READING IS FUN WEEK in Illinois.

Issued by the Governor February 3, 1994.

Filed with the Secretary of State February 10, 1994.

94-042

#### TORNADO PREPAREDNESS WEEK

Whereas, the tornado season, during which human lives and private property are destroyed each year, is imminent; and

Whereas, Illinois is especially vulnerable because of its location at the northeast edge of the most tornado-prone region of the world; and

Whereas, Illinois ranks 10th in the nation in both tornado frequency and tornado fatalities; and

Whereas, tornadoes and related phenomena are the most devastating natural disasters that regularly affect Illinois; and

Whereas, the Illinois Emergency Management Agency, other state agencies, the National Weather Service, private non-profit organizations, civic groups, and local governments have combined efforts focusing on all levels of government and the most basic unit of society--the family--to implement emergency planning to combat the deadly effects of tornadoes;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 27-March 5, 1994, as TORNADO PREPAREDNESS WEEK in Illinois. I strongly urge all Illinois residents to become familiar with the hazards of tornadoes and to formulate or refine tornado preparedness plans at the workplace and at home in order to minimize deaths and injuries from the devastating effects of tornadoes.

Issued by the Governor February 3, 1994.

Filed with the Secretary of State February 10, 1994.

94-043

#### REPRESENTATIVE BOB OLSON DAY

Whereas, Bob Olson was appointed to the Illinois House of Representatives in the summer of 1986, representing the constituents of the 90th District; and

Whereas, Representative Olson was re-elected to his post for three consecutive terms in 1988, 1990 and 1992; and

Whereas, Representative Olson has been a true leader over the past seven years in the House, serving as minority spokesman of the House Revenue Committee and as a member of the Agriculture, Veterans, Transportation and Mental Health Committees; and

Whereas, upon the completion of his term this year, Representative Olson will retire from the Illinois House of Representatives; and

Whereas, Bob is known by his family and neighbors in Broadwell, Illinois and his constituency for his open door policy and easy to talk with manner; and

Whereas, Representative Olson has assisted his fellow politicians from the local to the national level, and serves as Broadwell Township precinct committeeman; and

Whereas, the citizens of the 90th District, fellow members of the House, and myself will miss his candid style of speaking -- both in person and on the floor -- in his absence;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 11, 1994, as REPRESENTATIVE BOB OLSON DAY in Illinois.

Issued by the Governor February 7, 1994.

Filed with the Secretary of State February 10, 1994.



**CHILDREN AND FAMILY SERVICES, DEPARTMENT OF**

- 89 Ill. Adm. Code 428 Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)  
 89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (P-2683)  
 89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-2700)

**CIVIL SERVICE SYSTEM, STATE UNIVERSITIES**

- 80 Ill. Adm. Code 250 State Universities Civil Service System (A-1901)

**COMMERCE COMMISSION, ILLINOIS**

- 92 Ill. Adm. Code 1376 Accounting & Financial Record Requirements (A-1914)  
 83 Ill. Adm. Code 792 Imputation (A-1919)  
 83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies, Electric Utilities & Telecommunications Carriers (A-676; M-795)  
 83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-918)  
 83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720)  
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 17 Ill. Adm. Code 710 Taking of Wild Turkeys-Spring Season, The (A-1156)

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 M - Modification to meet JCAR objections  
 O - JCAR Statement of Objections  
 RQ - Request for Correction  
 EC - Expedited Corrections  
 P - Proposed Rule  
 PF - Prohibited Filing Order by JCAR\*  
 PP - Peremptory or Court Ordered Rules  
 PR - Proposed Repealer  
 R - Refusal to meet JCAR Objection  
 RC - Statement of Recommendation  
 S - Suspension ordered by JCAR  
 W - Withdrawal to meet JCAR Objections

\*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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 8 Ill. Adm. Code 75 Bovine Brucellosis (A-1833)  
 8 Ill. Adm. Code 257 Cooperative Groundwater Protection Program (P-14288/93; A-205)  
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 8 Ill. Adm. Code 85 Diseased Animals (A-1850)  
 8 Ill. Adm. Code 116 Equine Infectious Anemia Control (A-1861)  
 68 Ill. Adm. Code 590 Feeder Swine Dealer Licensing (A-1865)  
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- 20 Ill. Adm. Code 107 Records of Committed Persons (A-2939)
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- 23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (A-1171)
- 23 Ill. Adm. Code 226 Special Education (A-1930)
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4000.570	am	(A-2290)				2731.20	am	(P-1054)
4000.580	am	(A-2290)				2732.10	am	(P-1098)
4000.610	am	(A-2290)				2732.20	am	(P-1098)
4000.620	am	(A-2290)				2733.20	am	(P-1064)
4010.110	n	(P-578)	1.40	am	(A-1171)	2733.30	am	(P-1064)
4010.120	n	(P-578)	1.50	am	(A-1171)	2760.10	am	(P-1073)
4010.130	n	(P-578)	1.60	am	(A-1171)	2760.30	am	(P-1803)
4010.140	n	(P-578)	1.70	am	(A-1171)	2760.40	am	(P-1803)
4010.150	n	(P-578)	1.80	am	(A-1171)	2761.20	am	(P-1073)
4010.160	n	(P-578)	1.90	n	(A-1171)	2761.30	am	(P-1073)
4010.170	n	(P-578)	1.00	n	(A-1171)	2762.30	am	(P-1089)
4010.210	n	(P-578)	1.App.D	n	(A-1171)	2762.40	am	(P-1089)
4010.220	n	(P-578)	1.App.E	n	(A-1171)	2763.20	am	(P-1080)
4010.230	n	(P-578)	1.App.F	n	(A-1171)	2763.30	am	(P-1080)
4010.240	n	(P-578)	1.App.G	n	(A-1171)	2763.40	am	(P-1080)
4010.250	n	(P-578)	210.10	r	(A-1169)	2763.50	am	(P-1102)
4010.260	n	(P-578)	210.100	r	(A-1169)	2770.30	am	(P-1066)
4010.270	n	(P-578)	210.110	r	(A-1169)	2771.30	am	(P-1066)
4010.280	n	(P-578)	210.120	r	(A-1169)	2771.40	am	(P-1066)
4010.310	n	(P-578)	210.130	r	(A-1169)			
4010.320	n	(P-578)	210.140	r	(A-1169)			
			210.150	r	(A-1169)			
			210.200	r	(A-1169)			
			210.210	r	(A-1169)			
			210.220	r	(A-1169)			
			226.525	am	(A-1930)			
			245.10	n	(P-10131/93; A-237)			
			245.20	n	(P-10131/93; A-237)			
			245.30	n	(P-10131/93; A-237)			
			245.40	n	(P-10131/93; A-237)			
			245.50	n	(P-10131/93; A-237)			
			245.60	n	(P-10131/93; A-237)			
			245.70	n	(P-10131/93; A-237)			
			1501.301	am	(P-569)			
			1501.302	am	(P-569)			
			1501.501	am	(P-3308; A-13997,			
				EC-3027)				
			2700.20	am	(P-1037)			
			2700.30	am	(P-1037)			
			2700.40	am	(P-1037)			
			2700.50	am	(P-1037)			
			2700.60	am	(P-1037)			
			2700.6	am	(P-1013)			
			2720.10	am	(P-1013)			
			2720.20	am	(P-1013)			
			2720.30	am	(P-1013)			
			2720.35	n	(P-1013)			
			2720.40	am	(P-1013)			
			2720.41	am	(P-1013)			

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333.10	n	(P-9797/93; A-2615)
333.20	n	(P-9797/93; A-2615)
333.30	n	(P-9797/93; A-2615)
333.40	n	(P-9797/93; A-2615)
333.50	n	(P-9797/93; A-2615)
333.60	n	(P-9797/93; A-2615)
505.10	n	(A-2317)
505.20	n	(A-2317)
505.30	n	(A-2317)
505.40	n	(A-2317)
505.50	n	(A-2317)
505.60	n	(A-2317)
505.70	n	(A-2317)
505.80	n	(A-2317)
505.82	n	(A-2317)
505.84	n	(A-2317)
505.86	n	(A-2317)
505.90	n	(A-2317)
505.100	n	(A-2317)
505.110	n	(A-2317)
505.120	n	(A-2317)
505.130	n	(A-2317)
505.140	n	(A-2317)
505.150	n	(A-2317)
505.160	n	(A-2317)
505.170	n	(A-2317)
505.180	n	(A-2317)
505.190	n	(A-2317)











